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The West African Commonwealth

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The West African Commonwealth

C. W. Newbury

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Foreword

Dr. C. W. Newbury, a member of the staff of the Institute of Commonwealth Studies, Oxford University, delivered the lectures here published at Duke University in the autumn of 1963. His residence at Duke and the publication were financed from a grant from the Ford Foundation for Commonwealth and international studies.

Among Dr. Newbury's publications on West Africa is *The Western Slave Coast and Its Rulers* (Clarendon Press, 1961). Forthcoming in 1964 from the same press is *British Policy Towards West Africa* Volume I: *Select Documents, 1783-1874*; and he is editing a new edition of Sir Richard Burton's *A Mission to Gelele, King of Dahome.*

W. B. H.

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Introduction

Most discussions of the nature of the Commonwealth are concerned with definitions. These usually take two forms: (1) the *functional*, designed to sum up how the Commonwealth works in practice, since it is agreed that in the absence of a written constitution convention is a major determinant of rules and a test for law; (2) the *ideological*, expressing norms of political and social behavior expected by member states, and occasionally offered as an example of value to the world at large. Even at this level of abstraction, the two kinds of definition are rooted in historical interpretation of past relations between a metropolitan government and its dependencies. The use of history in the analysis of the origins of contemporary institutions allows for a good deal of definition in the Aristotelian manner, in which the object (in this case the British Empire) is considered to have for its end the goal of self-government (exemplified by the Commonwealth). The organic metaphor which is helped along by the use of such words as "growth," "family," "evolution" may be used further to sustain the notion that the Commonwealth is a "natural" unit, in the sense that it cannot be joined by outsiders who have never been British dependencies; secondly, it is implied that it is "natural," indeed, inevitable, to proceed from colonial status to independence in a fixed pattern, and that every particle of the empire must fol-

low in this direction; thirdly, because most of this change has been peaceful, it may be thought the Commonwealth offers unique procedural virtues which ought to be followed by other groups of nations.

This is one way of looking at the Commonwealth which becomes a plausible reason, if not a justification for the past existence of empire; and one may sympathize with a recent writer who takes the view that the Commonwealth is an easy let-down for the metropolitan power, and that in function it is primarily "an Anglo-centric affair."[1] Sympathize, but not agree. In the first place it seems that on the historical evidence available it has always been a most difficult operation to assist with the creation of an independent state in a way that it is not only free, but seen to be free. Secondly, the charge that the Commonwealth is primarily Anglo-centric is not the view of Asians and Africans themselves who would be the first to point it out, if it had any great substance.

It is not obvious to the historian that membership of the Commonwealth was at all envisaged by the metropolitan power where Asian and African dependencies were concerned until a very late date in the 1940's, when the request came first from India and then other members for reasons of their own. Furthermore, the devolution of political power in Africa and Asia took place at such speed after the Second World War that I do not think it can be argued that the British government since the nineteenth century consciously planned for self-government, in West Africa least of all, on the terms and within decades of the time it came about. Indeed,

1. Peter Lyon, "Aristotle and the Commonwealth of Nations," *Australian Outlook*, XVII (1963), 74-84. A stimulating essay which takes issue with the traditional view that the Commonwealth is the end-definition of the British Empire and a "natural" unit not to be joined by outsiders.

on the contrary, it might well be shown when the records are open that British policy towards the government of African peoples was caught off-balance by the demands of nationalist minorities and forced to change step and direction in a way which left the tasks it had undertaken uncompleted.

However this may be, a functional or an ideological definition of the present Commonwealth has to take account of the national identity of West African members. And this factor, like Asian membership, has substantially altered the Commonwealth picture in ways which cannot be traced to the past history of imperial government alone. The trouble with any Aristotelian metaphor which describes present Commonwealth members as offshoots from a stem of liberal institutions is that this is a description of a late Western importation, incompletely adapted to local conditions. If the parts of the Commonwealth are rooted in imperial history, they are also rooted in regional and local history, and the character of the Commonwealth is the sum of these parts viewed internally as well as externally.

An analysis, then, of the contemporary Commonwealth will take account of the multiple contribution made by members towards the end of colonial status which may be taken as the primary condition of membership. There may be a case for including contemporary dependencies in the term "Commonwealth," as K. C. Wheare and Sir Ivor Jennings have suggested, but it is very doubtful whether this would find widespread acceptance among the newly independent members, any more than would the retention of the prefix "British" or the more ambiguous "Dominion," both of which have now been dropped. The pattern of de-

colonization since 1947 is very different from the rather leisurely process by which legal enactments and rules of construction delimited and removed the supremacy of the imperial parliament between 1865 and 1931. Independence is a matter of form as well as a matter of habit.

Similarly, just as the political, economic, and cultural contacts between sections of the African Continent and the United Kingdom have left their imprint on the organization and welfare of millions of Africans, the accession of African and Asian states to Commonwealth membership has modified the association in three important respects. First, it has become an association in which Africans and Asians are demographically preponderant and in which the consultative functions of all members have been multiplied in number and scale. Secondly, the Commonwealth now reflects to a greater degree the economic imbalance between industrialized and agricultural societies in the world as a whole. Finally, the conditions of membership admit a wider variety of political forms in which the retention of Westminster models can no longer be taken for granted.

The four British-formed areas of West Africa make their own unique contribution. Ghana became independent in 1957, Nigeria and Sierra Leone in 1960 and 1961, and the Gambia attained internal self-government in 1963. Together they have inherited the pattern of constitutional reform introduced into India, Ceylon, and the Sudan since the 1920's; and they inherit a share of the complex apparatus of Commonwealth relations. Constitutions have already been changed according to African views of what is suitable for local conditions; and they have their own view of the Commonwealth dating from the period prior to independence. The problems of self-

government in the West African context and the significance of voluntary association with the Commonwealth form the substance of these lectures.

Two reservations must be made. If the functions of the Commonwealth are best studied historically, severe limitations on this method are imposed by the inaccessibility of primary sources—cabinet debates, minutes of prime ministers' meetings and even Commonwealth Relations Office records. Moreover, the foreign policies (of which Commonwealth policies are a part) are incomplete for all the West African members. Ghana has come nearest to a logical formulation of her interests in the African context, mainly through the writings and statements of President Nkrumah. But, except for some obvious issues, there is little serious publication of West African views on foreign affairs, least of all by the external affairs departments of the countries concerned.

Materials for the study of West African politics since independence, fortunately, are more abundant, though because of the short time that has elapsed much of these derive from formal analysis of institutions. The study of government thrives on crises and debatable issues, and Ghana and Nigeria have provided recent examples. Statements concerning the value of the Commonwealth for new states are harder to obtain from West Africans. But such opinions as there are, like the opinions of many nineteenth-century African nationalists, stress equality of status, freedom of association, and representative institutions. These ideals were advocated in a colonial situation first, and the subsequent struggle to change that situation had an important bearing on the way in which West Africans evaluate the present Commonwealth.

Finally, West Africa like the rest of the Common-

wealth is part of a regional complex with extra-Commonwealth relations. The hard facts of economic geography and the emotional appeal of Pan-Africanism to some extent compete with Commonwealth loyalties. This tension between Commonwealth association and West African regionalism has its origins, too, in the pre-independence form of British rule and, ultimately, in international partition, which provided a rough framework for the growth of new states. It seems, therefore, necessary for Commonwealth specialists to pay more attention than in the past to the history and institutions of the West African region as a whole—particularly the near neighbors of Commonwealth members—if the context of Pan-Africanism for the foreign policies of Ghana, Nigeria, and Sierra Leone is to be understood. These lectures make no claim to definitive treatment of this theme. It is hoped they will supplement the valuable outline made some years ago by Mr. Denis Austin in his *West Africa and the Commonwealth* and suggest, perhaps, a re-examination of current assumptions which tend to take continued West African membership of the Commonwealth for granted.

C. W. N.

Institute of Commonwealth Studies, Oxford. April, 1964.

The West African Commonwealth

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The Evolution of British Government in West Africa

The British came to West Africa as traders and stayed as rulers. During their rule they consolidated under four colonial governments a great variety of indigenous political structures; they linked up widely separated markets; and they introduced a medium of communication which became the language of trade, government, and nationalism. Yet, it would be difficult to say at what point they consciously looked on themselves as nation-builders, or as tutors to British West Africans whose own vision of new states was to anticipate their departure. In common with other Europeans on the coast, the British were not primarily concerned with constitutional architecture when they incorporated diverse ethnic groups within the boundaries which resulted from international partition. They were interested in protecting a series of regional markets and in assuring adequate local revenues to pay for this protection. In a sense, then, the form taken by British West African territories in the late nineteenth century was incidental to British colonial policy, which was designed at that period to keep out foreigners, not to create places called Gambia or Nigeria.

It is usual to lay the blame for the arbitrary nature of modern West African frontiers on the indifference and lack of knowledge displayed by European statesmen and

local boundary commissioners in the 1890's. Some of this indifference is explained (though not excused) by the point made above, namely that early administrators or their superiors in Europe did not see very far beyond the immediate tasks of order, good government, and an ample local budget derived from taxes on trade. It is a useful experience to try to work out a rational partition on a nineteenth-century map of West Africa, taking into account the spread of major ethnic groups and the resources needed to support a West African trading state. A satisfactory solution is almost impossible without enlarging the size and reducing the number of most of the territories west of Nigeria and including (as Nigeria does) some of the land-locked states of the interior with the coastal region. Two considerations are suggested by this exercise: the political and trading capitals of West Africa, essential to a modern state, grew up on the seaboard in the late nineteenth century at the farthest possible remove from the savanna populations north of the ninth parallel; secondly, partition based only on cultural and linguistic criteria would have cut off most of the Mande, Gur, and Songhai groups of the savanna from the Atlantic and Kwa-Kru peoples who make up the coastal and forest societies. From an economic and administrative point of view, this lateral division would have been more absurd than some of the north-south frontiers on present maps and would have cut across the communications network which drew the interior into contact with the coast and the Altantic world beyond. The balance of economic interest and political control swung south, after partition. It is doubtful whether an "ethnic" partition would have improved on this, though relations between African states at a future date might have been better

served by the imperial control of a single European power, not four.

Another consideration worth bearing in mind is that for much of the period of European rule territorial frontiers meant very little to West Africans, who passed from one colony to another without difficulty. The important trading and fiscal frontier was at the sea ports. Inland, customs posts diminished north of the forest belt and international agreements on tariffs recognized the inability of French or British administrations to force partition to its logical conclusion by sealing off the frontiers and controlling population movements.

Partition, then, provided a rather weak framework for the creation of new states. In fact, one might go further and claim that states in West Africa, on the scale of Senegal or Nigeria, were at first merely the product of European compromise, until half a century of internal political, economic, and educational change altered the outlook of West Africans both to each other and to their rulers. Two questions are relevant to the influence of this period of evolution: first, the intention of British administrators where indigenous institutions were concerned; secondly, the use of institutions imported from crown colony government elsewhere and their adaptation to West African circumstances.

I.

British West Africa was incorporated in a larger empire by annexation and protection. These two methods of establishing imperial control were not empty phrases, but involved a conscious choice based on an appreciation of the purpose and probable consequences of British rule.

Before 1843, annexed posts were limited to small areas at the mouth of the Gambia, on the Sierra Leone peninsula, and within the Gold Coast forts. The fact that the Crown took these posts over at all from a bankrupt company and a committee of merchants represented a continuation of eighteenth-century policy aimed at protecting trade against European rivals and the much more difficult nineteenth-century task of prosecuting the campaign against the slave trade. Both these motives during the next two decades determined the capture and annexation of Lagos and the establishment of a British consulate for the Bight of Benin at Fernando Po. At the same time the cession of territory by treaty fell into disfavor, and apart from a few exceptions at the Gambia mouth and on the Gold Coast, expansion ceased till the 1880's. However, over 150 treaties of trade and friendship and treaties to end the slave trade were concluded with coastal states between 1820 and 1870; and in the Gambia and at Sierra Leone the practice of paying stipends to treaty chiefs cost the local administrations about £1,500 a year at the end of that period. Compensation for loss of revenue from the slave trade was promised and paid out, too, on the Slave Coast and at the Delta ports, though it rarely continued for more than four or five years after conclusion of a treaty. By contrast, on the Gold Coast neither of these two types of treaty relation worked. Rents formerly paid by the merchants for the forts were suspended by the Crown, and the treaty of 1831 with Ashanti was a truce between belligerents, delimiting British and Ashanti spheres of influence south and north of the Prah River.

While the process of annexation was delayed, then, the beginnings of a subimperialism through stipendiary and treaty relations can be traced back to the 1840's.

The obligations contracted in early treaties were fairly uniform in content. Promises of military assistance were made by local officials—though these were refused by the Colonial Office after 1841; mutual surrender of wrongdoers—either African or British subjects—was a feature in nearly all the Gambia and Sierra Leone treaties; promises to keep open trade routes and guarantees of untariffed entry for African products into the colonial market usually completed the commercial terms. The Foreign Office in the slave trade treaties went much further and threatened the use of force, if terms were broken, and in the case of Lagos used force anyway in order to obtain a signature in 1851.

The treaties were not, however, contracts between equal parties. Lord Palmerston, who did more than any other British statesman to commit Great Britain to an active policy in West Africa, denied them the quality of "treaty" at all by requesting that

> the compacts to be made with the African Chiefs should be described as "*Arrangements*" or "*Agreements*," or by some other word which should exclude them from the Class of Diplomatic Conventions . . . to reserve to the Secretary of State for Foreign Affairs his own exclusive power of negotiating Treaties, and . . . to mark the distinction between Agreements with barbarous Chiefs and the international Compacts of Civilized States.[1]

This relegation of African states to the position of third-class powers persisted throughout the rest of the century, but it did not decrease the anxiety of British agents to find the "Natural Rulers" of African society and to project into African ritual and secular leadership notions of territorial dominion and responsibility for the

1. Quoted by James Stephen, Minute, 6 Sept. 1841, Colonial Office 87/25 (Public Record Office).

actions of African subjects. In short, West African societies were required to contract on European terms, according to ideas adopted from European diplomatic practice. In some ways this was more of a break with the past than might appear. Since the sixteenth century European traders had dealt with the Barbary states, the Wolof, the Fanti, Dahomeans, and Benin and Delta rulers as clients. On the whole they had been kept at the coastal markets and had operated through coastal middlemen. In the nineteenth century, however, not only was the major African export—slaves—forbidden to British traders, but measures were taken to prohibit this traffic to other powers. Moreover, exploration of the interior and a new demand for cotton, groundnuts, and palm oil from the 1850's widened the area of operations undertaken by small trading companies and their agents. It was a tenuous and spasmodic penetration, checked by disasters such as the 1841 Niger expedition and withdrawal of official protection from the Niger-Benue confluence in 1869 and the Upper Gambia in 1870. It was a period richer in ideas for new plantations than in profits, and the bulk of British trade continued to be carried on along the coast and in areas outside British control. But the practice of establishing treaty relations with African rulers was carried into the interior, as far as the Futa Jallon and the Hausa states. And in the immediate hinterland around the Gambia, Sierra Leone, and Lagos posts written contracts were used extensively to secure regular supplies of staples and to settle traders' disputes. Above all, by the 1850's, the resettlement of thousands of liberated slaves at Sierra Leone, the Gambia, Lagos and in the Delta ports, gave rise to a new entrepreneur class of British subject who required protection and legal redress.

Like many other points of British policy on the coast of West Africa, policy on treatment of the liberated African communities was rarely laid down, unless a special operation like the organization of emigration to the West Indies was undertaken. In 1870, for example, the Colonial Office was surprised to receive a request from the Portuguese ambassador for a collection of regulations on the employment of African labor in the West African settlements. The Governor-in-Chief summed up the position:

> I have to state that all coloured British Subjects (and we interfere with no others) dispose of their labour in the same manner as other British Subjects elsewhere. They are not controlled by any special Regulations. The Law recognizes no distinction between Natives and Europeans being British Subjects.[2]

Here indeed was an example of assimilation of which later French theorists might well have been proud. Governor Kennedy could have gone further than this: he might also have stated that the total population of the settlements of this date was estimated at about half a million—including the quasi-protectorate of the Gold Coast—and the total white population was slightly less than 250 officials, traders, and missionaries at the Gambia, Sierra Leone, the Gold Coast forts, and Lagos. Of these, the liberated Africans and their descendants numbered about forty thousand, though possibly twice that figure had been adjudicated at Sierra Leone since 1808. It was an important minority, since the bulk of the Fanti on the Gold Coast could not yet be counted as British subjects. The status of the liberated Africans had not been won, however, without a debate which had a bearing on the

2. Kennedy to Granville, 24 June 1870, Colonial Office 267/306.

whole notion of "protection," and ultimately on the question of extraterritorial jurisdiction in West Africa.

By the end of the 1820's, the liberated African community at Freetown had been recognized as equal in law with other British subjects. They had a brief experience of representative institutions in the 1790's; they served on juries for civil and criminal cases, in municipal administration and other departments of colonial government; and increasingly their descendants became literate, acquired property rights, invested in local trade, and opened up new markets beyond the colony's boundaries. In their eyes the British Government owed them protection. One of the earliest formulations of this belief came from twenty-one African settlers who organized an emigration movement from Freetown to the Lagos area in 1839:

> The Queen will be graciously [pleased] to sympathize with her humble petitioners to establish a Colony at Badagry that the same may be under the Queen's jurisdiction, and [we] beg of her Royal Majesty [that she] will be pleased to send us to the above mentioned place, and also beg and solicit of Her Royal Majesty to send [a] Missionary with us, and by so doing the slave trade can be abolished. . . .[3]

The request was not granted for another twenty years, but the growing numbers of liberated Africans who passed through Lagos to the Yoruba interior and to the Delta kept the question of protection very much alive, as reports of their participation in local wars and occasional ill-treatment accumulated. An imperial Act of 1843[4] had already been passed to enable consular agents to deal with British subjects in the Levant. According to its rather

3. Liberated Africans to Governor R. Doherty, 15 Nov. 1839, Colonial Office 267/154.

4. Foreign Jurisdiction Act, 6 & 7 Vict. c. 94.

sweeping terms, the Crown had power and jurisdiction "or may at any time hereafter have within any country or place out of Her Majesty's dominions, in the same and as ample a manner as if Her Majesty had acquired such power or jurisdiction by the cession or conquest of territory." The Victorians, however, could not simply ride roughshod where they wished. The criteria for the exercise of juridical control and execution of sentence were, of course, the prior existence of a colonial or consular court in the vicinity and some "treaty, capitulation, grant, usage, sufferance, and other lawful means," in the neighborhood of the court. The Act of 1843 did not specify that only British subjects were to be dealt with—a point which left the way open for its application on the Gold Coast and with later amendments to other parts of West Africa.

On the Gold Coast the informal jurisdiction which had grown up during the administration of Captain George Maclean in the 1830's was regulated for criminal cases by a series of Declarations ("Bonds") obtained from Fanti chiefs in 1844 and by a Jurisdiction Order in Council of the same year.[5] Maclean continued to act as judicial assessor in Fanti criminal cases till his death in 1847. Thereafter, the colonial administration at the forts gradually acquired jurisdiction over civil cases as well, and after 1850 the functions of chief justice and judicial assessor were carried out by the same official. The large amount of "sufferance"—to use the terms of the 1843 Act—implied by this extension was taken for granted and no local treaties were arranged to replace the Declarations of 1844.

In the neighborhood of Sierra Leone the problem was not to introduce British laws and procedure in place of

5. For the background to British policy on the Gold Coast, see G. E. Metcalfe, *Maclean of the Gold Coast* (London, 1962).

African custom, but to restrain British subjects from interfering in Temne and Susu wars and to bring them to court for crimes committed against the subjects of friendly chiefs whose good will was essential to Freetown trade. In 1849 the Governor of Sierra Leone proposed that all British subjects committing offenses within three hundred miles of the colony should be tried and punished as if the offense had been committed within the colony itself. Supplying arms and ammunition to Africans in a state of war constituted such an offense. But the Colonial Office hesitated to prepare the necessary Order in Council under the Act of 1843. Although the reasons are not entirely clear, it is certain that Sir James Stephen had left behind him strong objections to extraterritorial jurisdiction in West Africa, which he described in the Gold Coast case as "an usurpation which the goodness of our motives, and the necessity of the case are to justify."[6] But Stephen by 1849 had retired from his under-secretaryship to become Professor of History at Cambridge, and his scruples, which had been ignored where the Gold Coast was concerned, were now quoted with awe and respect. Moreover, Stephen's views received some support from the Lords of the Committee of Council for Trade and Plantations, who found in 1850 that it was not competent for the Crown to exercise jurisdiction under the 1843 Act near Sierra Leone, without prior cession of rights by treaties with African chiefs. On the Gold Coast all that had been necessary in 1844 was a simple agreement in which the Fanti chiefs acknowledged the Queen's "power and jurisdiction" and which provided for joint trials by chiefs and British officials—"moulding the customs of the country to the general principles of British law."[7] Now something

6. James Stephen, Minute, 26 Dec. 1842, Colonial Office 96/2.
7. Cited in W. Walton Claridge, *A History of the Gold Coast and*

more was needed. In the words of Earl Grey, as Secretary of State for Colonies, the object in Sierra Leone "was rather to *create* a jurisdiction under which British Subjects guilty of crimes within the Territories adjacent to Sierra Leone might be lawfully tried and punished within the Colony, instead of being left to the alternative either of a dangerous impunity, or of being subjected to the unrestrained vindictiveness of the Natives."[8]

This was a major shift in British West African policy. Fundamentally, the 1843 Act did not "create" jurisdiction, it recognized and regulated jurisdiction where it had already been acquired. From the midcentury this tendency to strengthen the process of subimperialism by substituting a fiat for negotiation where the rights of British subjects were concerned prepared the way for more sweeping proposals in the 1890's.

But for the moment the treaty question could not be simply ignored, because treaties with Sierra Leone chiefs already existed and their terms had to be changed to allow the colonial judiciary to do its work beyond the frontier. New clauses were not easily obtained; and the few that were revised for the Sherbro area southeast of the colony and for the Bullom and Nunez north of Freetown, in 1851 and 1852, by no means covered the whole area of trading operations on the colonial frontier. This, too, was a precedent for later partition in which treaties became tokens of agreement, rather than the written consensus of whole societies.

Of equal importance was the status of liberated Africans. In 1851 the Law Officers of the Crown reported that in their opinion these Africans were not British subjects

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Ashanti from the Earliest Times to the Commencement of the Twentieth Century (2 vols.; London, 1915), II, 452-453.

8. Grey to Macdonald, 24 July 1850, Colonial Office 268/43.

by the mere fact of having been adjudicated at Freetown and freed from slavery; and therefore they were not amenable to any jurisdiction however acquired in the territories of African chiefs. This decision undermined most of the assumptions on which Sierra Leone administration had operated since the end of the eighteenth century. Nor was the difficulty removed by tampering with the terms of treaties and inserting the phrase "liberated African" where necessary. Naturalization would not do either, since, according to the Law Officers, this would affect the status of Africans within the limits of the colony only, and there was no certainty the inhabitants of Freetown would come forward to request an act of the local legislature on their behalf. By the beginning of 1853, then, the Colonial Office debated the need for a parliamentary enactment to clear up the whole question, and after a personal discussion between Herman Merivale and the Queen's Advocate, J. D. Harding, a "Bill to Remove Doubts as to the Rights of Liberated Africans in Sierra Leone" was drafted in July. The Law Officers approved and the bill became law, 20 August 1853.[9] That Act may be considered as the charter of the liberated African communities in West Africa who were now held to be "the natural-born subjects of Her Majesty." Section 3 of the Act provided for their trial under the Foreign Jurisdiction Act of 1843, and Section 4 defined liberated African so as to include not only those freed from slave vessels, but also "all other persons who, as having been dealt with, carried, kept, or detained as slaves, may have been taken and liberated, or received, protected, or provided for. . . ."

The clarification of liberated African status opened the

9. 16 & 17 Vict. c. 86.

way for further treaties with "protection" clauses. In 1861 the Sierra Leone Offences Act extended the laws of the colony for the punishment of crimes committed by British subjects as far as Guinea to the north, the Liberian frontier to the south, and "for five hundred miles to the east"—which was well into the Ivory Coast.[10] At the same time thought was given to the problem of protecting British subjects in the Delta and elsewhere. A plan to establish consular courts in 1856 had to be postponed, however, for want of the necessary local treaties ceding jurisdiction. In the meantime consuls were warned they had no power to hear cases involving British subjects or to participate in the work of the equity courts which traders and Delta chiefs had created to settle their disputes. In the vicinity of Lagos after annexation in 1861 other posts were established to ensure control of customs. The intervening territory was not annexed, and between the limits of Badagry and Lekki, west and east of Lagos, the first formal British protectorate in West Africa was acknowledged by the Colonial Office in the 1860's. On the Gold Coast, too, the term was used in the 1850's and 1860's, but the Fanti states outside the forts never entered into any written agreement defining their "protected" status. Instead, the administration continued to consolidate British jurisdiction under an Ordinance of 1853 and paved the way for political intervention in Fanti government.[11]

One more point remained to be established in Sierra Leone to bring the colony into line with Gold Coast practice. The acquittal of an African subject of an independent chief of the Sherbro for the murder of a British subject in

10. 24 & 25 Vict. c. 31.

11. For a detailed analysis of Fanti and British relations, see David Kimble, *A Political History of Ghana 1850-1928* (Oxford, 1963), pp. 192-263.

1870 left in doubt how far colonial jurisdiction could be extended over foreigners. The Law Officers of the Crown gave their opinion that there was no objection to jurisdiction "in respect of offences committed at places out of British Territory against persons who . . . have acquired a British national character"—even where the offender was not himself a British subject.[12] Accordingly, the West African Settlements Jurisdiction Act of 1871 made legal the apprehension and trial of "persons not the subjects of any civilised Power" for crimes and offenses committed within twenty miles of the boundary of any of the British colonies on the coast.[13] Here, then, was a new criterion: the extent of jurisdiction was to be determined not merely by the status of the person committed for trial, or by agreement with African chiefs, but on the assumption that no rival jurisdiction could be presumed to exist wherever local authority was classified as "uncivilised." The theory of extraterritorial jurisdiction had now caught up with Gold Coast precedent, so far as non-British subjects were concerned. By 1870 it was formally admitted that non-legal criteria were used to bring to those places beyond the pale of civilization new laws and new procedure, whether the inhabitants wished for this or not.

The process of subimperialism had been a piecemeal one and was not entirely consistent when British policy on the coast is considered as a whole. For example, shortly after the Jurisdiction Act of 1871, consular courts were set up in the Niger Delta under the West African Order in Council of 1872[14] which enabled consuls to hear civil

12. Law Officers to Kimberley, 6 Sept. 1870, Colonial Office 267/308.
13. 34 Vict. c. 8.
14. Cited in A. C. Burns, *History of Nigeria* (London, 1929), Appendix E.

and criminal cases at Old Calabar, Bonny, the Cameroons, New Calabar, Brass, Opobo, and on the Nun and Benin rivers. Court regulations, however, applied only to the queen's subjects and protected persons (usually African labor or mission converts). But no separate treaties with Delta chiefs ceding such jurisdiction were now considered necessary.

Thus, before the partition of West Africa began in the 1880's, the notion of jurisdiction with extraterritorial effect had already been well established in the region of British colonies and in the British sphere of interest in the Niger Delta. The transition from "protection" to protectorate was never clear-cut and lay for the most part in the actions of consuls and colonial magistrates who made use of the powers set out in what are now forgotten acts and ordinances. These measures were to a great extent revised and consolidated by the Foreign Jurisdiction Act of 1890,[15] according to experience in southeast Asia, east Africa, and the Pacific islands. But the essential content of the 1890 Act had already been obtained on the West African coast, both in its administrative as well as its juridical sense, for all the foreign jurisdiction acts entitled the Crown to exercise power as well as jurisdiction. Whereas, in the midnineteenth century this power was interpreted to mean apprehension of offenders, extradition, and transportation, by the 1890's the power of the Crown in a protectorate included the right to levy taxes and take other measures normally associated with crown colony administration. These measures and the right to appoint and depose chiefs in a protectorate had been used before 1874 in the case of the Gold Coast. Such powers were never ceded by the Fanti in a treaty,

15. 53 & 54 Vict. c. 37.

and the treaty basis of earlier jurisdiction had been largely ignored by the time the West African hinterland was opened to rival powers who sought to demarcate markets for coastal possessions, rather than to protect their own subjects in foreign territories.

The preparation of the Foreign Jurisdiction Act of 1890, however, raised again some of the issues already discussed above. If such jurisdiction did not apply merely to subjects of the Crown, what was the position of other European nationals in a protectorate established under the Act? How far was the consent of African rulers necessary? In looking at these points, legal advisers tended to forget what had already been done on the Gold Coast or in Sierra Leone. A draft Foreign Jurisdiction Bill prepared by the Crown Law Officers in 1888 was rejected by the Foreign Office, on the grounds that it gave to the Crown in Council powers of taxation and deportation over Africans and European foreigners—which were precisely the powers exercised on the Gold Coast since the 1850's. For a while lawyers in London seemed to have lost touch with Colonial Office experience. They returned to the main threads of West African policy, however, when the legal adviser to the Foreign Office recognized that "an assertion of partial sovereignty in barbarous or semi-civilized regions may be in accordance with recent international usage, and may be proper and convenient. . . ."[16] This, too, was no more than claimed in 1870. Thereafter, legal opinion had few objections to make to a consolidated foreign jurisdiction act, except in the case of non-British Europeans. Parliamentary counsel argued that a British protectorate involved exclusive control of

16. R. S. Wright, Memorandum, 15 Nov. 1888, Foreign Office Confidential Print [5736] *Correspondence Respecting Foreign Jurisdiction 1887-88.*

the external affairs of protected states. The Foreign Office legal adviser contended that foreign powers could not be bound by an act of a British Parliament, and in any case the limits of jurisdiction should preferably be determined by local treaties.[17] In the event, this difference of opinion meant little: after a delay of a year a revised bill was hurried through the House of Lords and then the House of Commons without reference to amendments under consideration in order to be included in a new edition of revised statutes. By 1890 the Law Officers assumed the Crown had a right to jurisdiction over European foreigners who were subjects of signatory powers to the Berlin Act of 1885. And there the matter rested. The powers of the Crown in Council were unlimited in protectorates, as far as order and good government demanded they should go. Indeed, the Crown was less inhibited than in annexed territory, where the laws of England had been received.

II.

These points would be merely academic, if it were not for the fact that the bulk of British West Africa was taken under Colonial Office rule as a series of colonial protectorates and administered in a way that tended to divide them from the annexed areas on the coast. They were also different within themselves, some approaching the status of protected states, as in the Fulani-Hausa emirates (and for a period in the Yoruba states), while others were politically fragmented areas of native law

17. The background correspondence to the preparation of the 1890 Act is in Foreign Office 97/562; and for the differences of legal opinion, Sir J. Pauncefote, Note, 15 Dec. 1888.

and custom from which English courts and laws were excluded.

The details of how the interior of West Africa was partitioned need not concern us here. What is of importance for the consideration of West Africa's present place in the Commonwealth is the transition period between the end of the nineteenth century and the Second World War—a mere fifty years—in which the British territories were subjected to a variety of pressures designed to encourage and control political, economic, and educational change. I believe it is still too early to come to definite conclusions about that period which saw the growth of nationalism in West Africa and a desperate administrative effort to examine the principles on which British rule was thought to rest. Much is still withheld from the historian, and we tend to measure the success of the administration by its anticipation of self-government—an event which few in West Africa (including Africans) thought would come so soon. The administrators had very little time to experiment or correct mistakes, and mistakes were certainly made. Decisions taken in those years about the size of administrative units, the location of roads and schools, the incidence of direct taxes, and representation at the center of colonial government had results which are still being worked out. Unwittingly, the foundations of national governments were being laid within the framework provided by annexation and protectorate.

Taking British West Africa as a whole, there were two phases of administration. One was the "protective" phase, the origins of which are described above and which at its height about 1900 served to delineate political boundaries and maintain the status quo so far as indige-

nous rulers were concerned. The second phase, which was substituted in the 1930's after earlier experiments in Nigeria, is usually termed "indirect" rule and was, in essence, a means of incorporating indigenous rulers into the formal structure of colonial government by defining their position, giving them financial and other responsibilities, and adapting their institutions for the function of local government. The second phase was incomplete in many ways before independence and the problem of constitutionalizing the powers of chiefs was suddenly replaced by the much more serious difficulty of democratizing local government, on the one hand, and assigning a place to chiefs in representative government at the center, on the other.

The establishment of protectorates in Northern and Southern Nigeria followed the three main avenues of territorial penetration from the 1880's. These were the Lagos-Yoruba interior, the coast east of Lagos to the Delta, and the Niger River as far as the Fulani-Hausa states. The main steps were an Ordinance of 1887, which empowered the Lagos Legislative Council to pass measures for protected territories and which was applied to southern Yorubaland by 1891; the creation of a Niger Protectorate under a commercial company; the appointment in 1891 of a consul-general and commissioner to the Oil Rivers Protectorate in the Delta, which became part of Southern Nigeria in 1900. In 1906 the Southern Nigeria Protectorate was amalgamated with Lagos Colony, and in 1913 the Northern provinces, which came under the Colonial Office after the revocation of the Niger Company charter in 1899, were also amalgamated with the south.

The extension of British rule into the interior of Nigeria (1887-1913) under the Foreign Jurisdiction Act and

various treaties with local rulers was far from smooth and left areas, particularly in southern Yorubaland, where the control of the new overlords did not extend very far beyond the urban centers. Treaties with the Egba, with Oyo, and Ibadan in 1893 prepared the way for a communications system with the coast, but did not create a unified administrative structure embracing Lagos and the Yoruba states. Force was required to secure a protectorate over Ijebu in 1894, and the use of a resident as British official in Yorubaland indicated the uncertainty about the status of these dependencies. Gradually officials secured a position of primacy on the administrative councils of Ibadan and Abeokuta; and the bombardment of Oyo in 1895 left in no doubt where the ultimate sanction for authority in the protectorates lay. A new series of agreements signed in 1904 with the Yoruba rulers of Oyo, Abeokuta, Ibadan, Ife, and in 1908 with Ijebu Ode extended the jurisdiction of the Lagos Supreme Court to these places in a very limited degree and guaranteed the autonomy of Egba native administration. Thus, while at one level the protectorate system respected the position of Yoruba rulers, at another the gradual extension of commissioners' courts and the partial operation of a system of native councils and minor courts broke down the isolation implied in the term protectorate. After amalgamation in 1914, the administration of the southern districts was reformed by the introduction of "indirect" rule in Yorubaland, but leaving much to the ingenuity of political officers who confirmed chiefs in office, ran the provincial courts, and supervised the native courts.

In the Northern provinces the structure of the emirates was taken over intact and made a part of British administration, with the addition of a new system of financial

accountability and the underlying assumption that emirs and lesser officials were replaceable, even if their offices were preserved. Moreover, although the Northern system served as an example for administration in the south and elsewhere in British West Africa, there was a fairly firm line separating the two areas of Nigeria, which had no unified legal system before 1922 and no single legislative process before 1946.

In some ways the Gold Coast escaped the difficult transition from protectorate to "indirect" rule by annexing all of the southern sector in 1874 and defining the powers of the Crown by proclamation. English laws were introduced by the Supreme Court Ordinance of 1876 and the judicial powers of district commissioners were extended by ordinance in 1883. Ashanti remained technically a foreign country till 1890, after which plans for a protectorate were disrupted by the deposition of the *Asantehene*. The Ashanti confederacy (or what remained of it) was annexed in 1901, but kept separate from the colony, while the Northern Territories formed a third region with a distinct administration of their own, until they came under the jurisdiction of the Supreme Court in 1935. On the whole, "indirect" rule on the Northern Nigerian model was a late development on the Gold Coast. The powers of chiefs in the colony and in Ashanti were recognized, but not regulated; there was no formally constituted Native Authority till 1932 in the Northern Territories; and although a Native Treasuries Ordinance was passed in 1927 for Ashanti, no use was made of it for another ten years.

In Sierra Leone the creation of the protectorate as an administrative framework dates from 1894, when the interior was divided into five districts under police in-

spectors. The revolt of the Temne and Mende against the introduction of direct taxes in 1898 left a legacy of bitterness and weak finances which postponed the creation of native treasuries among the 145 chiefdoms till 1937.

In the Gambia the protectorate also dates from 1894, divided into districts under chiefs and supervised by traveling commissioners. Parts of the old colony even reverted to protectorate status in 1902. The system of "indirect" rule was not introduced before 1933-1935, when native tribunals and treasuries were set up in the newly formed provinces, leaving the colony as a small outpost of British law at Bathurst.

The aim of British administration throughout this period of transition was to create a synthesis between African political structure and alien rulers. Where the political structure was well differentiated and the hierarchical principles implied by British presence were already well understood by the African society concerned, there was little difficulty. But the apparent vagueness of political structure in many West African societies led frequently to misapprehensions about the source of local authority which might be used as a means of local government. Nigeria alone contained examples of this contrast common to other parts of British West Africa. In the Northern Provinces, the Native Authority system by the end of the 1930's was supervised rather than directed from above. But nearby, in the Middle Belt area, members of the Fulani dynasty were appointed district heads over a pagan population on the plateau and among the Tiv where the real rulers were ignored. After this mistake was uncovered the pagan communities were detached from the emirates and placed under their own authori-

ties who were chiefs without councils. Similarly in the west of Southern Nigeria by 1939 the conciliar structure of Yoruba urban government had been undermined and five of the principal ruling chiefs were acting as Sole Native Authorities. In the east, after an abortive attempt at creating "chiefs," the Native Authority system after 1937 consisted of Group, Clan, and Village Councils serving as advisory bodies to administrative officers. Here the problem was not to contain the powers of chiefs, but to bridge the gap between British officers and the age-grade and ritual societies which at an unofficial level were often the real seats of "Native Authority" in the area.

Towards the end of the 1930's then, "indirect" rule in some parts of the British territories was being used as a rather comfortable mechanism for perpetuating alien control, without reforming through economic or educational advances the structure of the African administration itself. In other parts, portions only of the Northern Nigerian experience were tried out, and the fundamental need for adequate finance raised by Native Authorities themselves was not always met. Yet again elsewhere, the fragmentary nature of African political organization precluded the use of "Sole Native Authorities" or district heads, and the administration created councils which were for the most part too small to be anything more than advisory bodies and too often without power to raise local revenues.

"Protectorate" where it was still used meant an area outside the control of the legislative councils of the coastal centers. The more observant of the critics of West African administration in the 1930's began to realize that smooth and gradual development towards self-government was not possible.

> The advance [wrote one expert in 1938] will probably be in difficult jerks as regards time and will be uneven as regards population. Far from our native administration being preservative, we probably ought to force the pace if local government is to keep up with the pressure of the educated minority at the centre . . . we should consider building strong provincial governments to act as an intermediary stage between the kindergarten of indirect rule and the higher education of central representation.[18]

For the first time, perhaps, one can detect a new note in this recommendation, a sense that the task of the administrator in British West Africa was not merely to hold a balance between native authorities and the institutions of central government, but to weld the two in preparation for greater African responsibilities. The consolidation of ethnic groups over a wide area into one territory rested on a formal constitutional unity, sometimes existing only in the person of the governor or the executive council. The numerical inferiority of the administration itself and the tendency to fix on native authorities as convenient units of administration distinct from the technical and social departments of government were probably the principal reasons for this constitutional weakness. There was, too, a feeling that African institutions still needed "protection" in the face of the disruptive forces that came in the wake of European contact, including British officials themselves. How to preserve as well as adapt was the central problem of British West African administration, when the question of representation at the center was added to the partly developed native-authority structure in the interior.

18. M. Perham, "British Native Administration" in *Oxford University Summer School on Colonial Administration* (Oxford, 1938), p. 105.

III.

Representation of unofficial elements in the colonial legislature is, of course, a classic method of tracing progression towards self-government. In the West African possessions, however, the legislative council took a considerable time to establish itself as an institution, compared with settlements elsewhere. In the first place, apart from a brief experiment in the Province of Senegambia from 1765 till 1783, British possessions on the West African coast were denied the status of crown colonies for most of the first half of the nineteenth century. Representation on the Sierra Leone Council in the 1780's gave way to the autocracy of a governor and advisory council of two in 1800 and an executive council of nine after 1821, composed of officials. By the West African Settlements Act of 1843, Gambia, Sierra Leone and the Gold Coast forts were treated as conquered colonies, and the reason for this was summed up in an ungrammatical minute by a Colonial Office official. "The term Colonies in fact seems one which the effects of the climate on Europeans will probably never permit to be properly applicable to them, and to extend to places where Englishmen can't live the doctrine that they carry when they go there, their rights with them, seems absurd."[19] Refusal to treat settlements with predominantly African populations in the same manner as West Indian plantations, which still had their own assemblies, persisted as Colonial Office doctrine till the legislative council was reformed from within. But even where institutions of a crown colony type were introduced in the Gambia in 1843, on the Gold Coast in 1850, at Lagos in 1862, and finally in Sierra Leone in

19. G. W. Hope, Minute, 30 Jan. 1843, Colonial Office 96/2.

1863, the elective principle was not applied to limited representation in the legislature. Various commercial associations were used by governors when they looked for suitable nominees for the two or three places reserved for unofficials on the legislative council, and the habit of choosing educated Africans as well as Europeans was quite common practice. But the fact remains that for the rest of the century and up till 1946, when the Gold Coast became the first African territory to have an unofficial elected majority, representation on the coast came nowhere near the Colonial Laws Validity Act definition of a representative legislature in the colonies of European settlement, namely: "any colonial legislature which shall comprise a legislative body of which one half are elected by inhabitants of the colony."[20]

On the other hand, the value of the nominated unofficial minority lay not so much in the "representative" character of the members from colonial society, as in the expression of views founded on sources of information and local sentiment which officials could not reach. The distinction between officials and the four unofficial Africans on the Sierra Leone legislative council in the 1880's, for example, tended to be lost from sight in the presence of an intelligent and co-operative personality like Samuel Lewis, who spoke for the Freetown creoles and occasionally won over officials to his point of view. Unpopular bills were sometimes withdrawn, by contrast with the Gold Coast legislature in the 1890's, where co-operation broke down and successful resistance to the Crown Lands Bill of 1897 had to be organized outside the council by direct petition to the secretary of state.

This development of extraconciliar pressure groups in

20. 28 & 29 Vict. c. 63 (1865).

the West African territories was paralleled in the metropolis by the growing importance of chambers of commerce and other commercial corporations which took their case directly to the Colonial Office or parliament and no longer relied on colonial commercial representation, which nominations to the legislative council were originally designed to supply. The principle of corporate representation, however, still remained firmly imbedded in West African constitutions till the 1940's and hampered the establishment of wider franchise. For example, the Nigerian Order in Council of 1924 provided for seven European commercial members on the legislative council, against four municipal members and eight representing territorial divisions. The Gold Coast Order in Council in 1925 called for the nomination of five European unofficials against three municipal and six provincial members. It could be argued that even in the 1920's, when large shipping and trading houses already had a powerful voice in London, commercial representation of this kind was overweighted. Moreover, their proportion in the legislature was a sore point with African traders who elected no representatives of their own outside the municipalities.

More important, however, was the attempt to secure corporate representation at the center for Native Authorities in the interior. The need for such representation had already been felt occasionally in the nineteenth century, though Lord Grey's plan in 1850 for an assembly of Fanti chiefs with its own budget and powers of expenditure had never been allowed to develop by Gold Coast officials. Periodic meetings of Yoruba chiefs at Lagos in the 1890's and after 1903 till 1913 in the Central Native District Council were unconnected with the business of the legislative council. On the other hand, the Legislative Coun-

cil of the Gold Coast had jurisdiction over the Fanti from 1874, though not over Ashanti or the Northern Territories till 1946 and 1951. The Sierra Leone legislature passed bills and reviewed ordinances for the protectorate from 1895. The Lagos Legislative Council was restricted to the Colony and Protectorate of Southern Nigeria in 1906 and to the eastern and western Provinces after 1922, acquiring legislative powers in Northern region business only in 1947. Thus the most immediate need for representation of the interior concerned Sierra Leone, the colony area of the Gold Coast, and Southern Nigeria.

In Sierra Leone, after the constitutional union of the colony and the protectorate in 1924 (the earlier jurisdiction of the Legislative Council seems to have been overlooked), six of the ten unofficials were African. But almost all were from the colony and it was not till 1951, when the Legislative Council contained an unofficial majority of twenty-three, that the district councils of the protectorate were enabled to elect twelve members. Two other representatives from the protectorate were chosen by a so-called Protectorate Assembly, an advisory body of chiefs abolished in 1957. Seven members were directly elected from the colony on a ratepayer franchise. A literacy provision was made to ensure that all elected members spoke English sufficiently to take part in the proceedings of the Legislative Council.

In 1925 the Gold Coast constitution had provided seats on the Legislative Council for nine African members—three elected from coastal towns, and six elected by provincial councils of paramount chiefs in each of the three provinces of the colony. The aim of the administration, as with the later Assembly in Sierra Leone, was to set up advisory bodies to discuss government legislation.

In this way Governor Guggisberg hoped that the provincial councils would defend "our native constitutions, institutions, and customs against the disintegrating waves of Western civilization. They are the chief means by which the nationality of the Africans of the Gold Coast will be built up out of many scattered tribes." In 1946 this aim was carried further. The Legislative Council acquired jurisdiction over Ashanti, which was represented by an elected member from Kumasi and four members from the Ashanti Confederacy Council. In addition the number of chiefs from the colony was increased to nine, elected by a Joint Provincial Council of Chiefs, compared with four from the municipalities. Thus, at the moment when the Gold Coast achieved an unofficial majority in the Legislative Council, this majority was overwhelmingly composed of native authorities. The Northern Territories, however, remained separate and were represented only by a chief commissioner as one of the minority of twelve officials.

It is unnecessary to discuss in detail the working of the Nigerian constitution of 1924, which followed the same principles, combining in the legislature four municipal members and eight Africans representing territorial divisions. In 1946 Nigeria became a special case when the Richards' constitution extended jurisdiction of the Legislative Council over the Northern provinces, but at the same time set up regional councils for North, East, and West with unofficial African majorities in a House of Assembly, and in the North an additional House of Chiefs. Native authorities were fully represented in the assemblies, which in turn acted as electoral colleges to select twenty out of the twenty-four unofficial members of the Legislative Council at Lagos.

At the other end of the scale, the Gambia, which had an executive council and a legislative council of five official and four unofficial members before 1946, also edged towards representative government the following year when the governor, by a new constitution, was left with a casting vote in a legislature containing six officials and seven unofficials. Of the latter only one was elected by Bathurst and Kombo St. Mary Division, while the other six were nominated from among the protectorate chiefs. An unusual feature was the executive council, which contained four of the legislature's unofficials—a considerable advance towards responsible government compared with Nigeria at that time. The executive council was also an advisory committee on development, which meant that Gambian unofficial members were associated directly with the administration of the territory's development program. The next stage came in 1950 when a Gambian was made vice-president of the legislative council, which contained a clear majority of unofficials, three of whom were elected by the colony and five nominated from the protectorate on the recommendation of divisional conferences of chiefs and headmen.

Down to 1946 in the case of Nigeria and the Gold Coast and to 1951 for Sierra Leone and the Gambia, the pattern of constitutional reform in British West Africa followed with local variations the classic development of the legislative council. At the same time the policy of the administration of each of the territories stressed the use of somewhat artificial electoral colleges to ensure that native authorities secured a majority of unofficial seats on the central councils, compared with elements elected on an increasingly extended franchise from municipal constituencies. With the exception of the regional Houses in

Nigeria which advised by resolution on matters referred to them by the governor, particularly estimates of regional expenditure, there was no decentralization of power to the provincial councils, divisional councils, or protectorate assembly in the other three territories. Thus the final say in the composition of the legislature rested with the administration, while the responsibility of that body for the whole, or nearly the whole of each territory grew.

Increasingly in each territory, however, the compromise worked out to secure representation for native authorities was challenged by Africans who favored development of the elective principle, already introduced in a limited measure into each constitution. The history of their agitation, too, like the legislative council which became the focus of their criticism, went back far into the nineteenth century.

· 2 ·

Educated Elite and Traditional Chiefs in the Transfer of Power

Protection, indirect rule, and representative government on an inter-regional scale in West Africa were not by themselves measures which guaranteed the creation of new states. Nationalism, which is both a sense of corporate identity and a product of opposition to alien rule, was a late by-product of European contact; and this concept, too, was limited to an educated elite which did not at first think in terms of the Nigerian or the Gold Coast state. The early nationalists thought of themselves first as Africans and only later, as the pace of constitutional reform in this century held out the promise of power, did they work through the wider administrative framework which had been consolidated while nationalist attention was confined to the coast. Only when this wider vision of political action in the interior had implanted itself in nationalists' minds was it possible to remedy the defective links between central and provincial government.

I.

The importance of the role of nineteenth-century elite in West Africa has been discussed in detail in recent

works on three areas.[1] The influence of alien education, which brought about a cultural differentiation between literate Africans and traditional rulers, was not, of course, limited to the period of European rule. As in other parts of the world, cultural contacts antedated the foundation of crown colonies. As early as 1788 a long report was written for the Committee of the African Company on the number of Africans being educated in England.[2] It noted the presence of thirteen students from the Guinea coast in Liverpool and London, and singled out the Reverend Philip Quaque, who was educated at Oxford and ordained in 1765, and who founded a school at Cape Coast in 1766. Another English school with six teachers was set up at Freetown in 1792 by the Sierra Leone Company. Thereafter, the burden of education on the coast was carried by Anglican, Wesleyan, Catholic, and North German missionaries. After the Sierra Leone experiment grants hardly appear before the 1870's, and the scale of annual expenditure on education by colonial administration did not amount to more than £10,000 in British territories in West Africa at the end of the century. Not till the 1920's was education made the responsibility of a senior official on the Gold Coast and in Southern Nigeria; a Board of Education was set up in Sierra Leone in 1924; the Gambia waited till 1937 before an Education Officer could be found to co-ordinate salary scales of a variety of independent schools and make a regular inspection of classes.

The long and close connection between elementary education and the West African missionary societies and

1. Kimble, *Ghana*, pp. 61-166; James S. Coleman, *Nigeria: Background to Nationalism* (Berkeley and Los Angeles, 1958); Christopher Fyfe, *A History of Sierra Leone* (Oxford, 1963).
2. MS dated 16 April 1788, in P.R.O., Board of Trade 6/7.

the delay in the use of public funds produced a peculiarly Victorian revivalist flavor to much of early nationalism on the coast and a great imbalance in facilities between the southern towns and the pagan and Muslim interior. Both of these factors influenced, too, the relationship between the elite and the peasantry, between the new leaders and the traditional chiefs.

Secondary education lagged even further behind. Again in the 1920's when the influence of the Phelps-Stokes Commission on Education began to be felt, improvements were made to the Accra Grammar School and other secondary institutions which had been opened in the nineteenth century and kept going in most cases only by mission funds or contributions from Africans themselves.

Higher education begins with Fourah Bay College, which opened in 1816 as the Christian Institution and was refounded in 1827 by the Church Missionary Society on an estate acquired by Governor Turner from an eighteenth-century slave dealer. At its opening Fourah Bay had four pupils. Its purpose was to train Africans as schoolmasters, catechists, and clergymen. The idea of turning it into a West African university was the inspiration of Edward Blyden, the West Indian writer, explorer, Liberian Secretary of State, and early African nationalist. To his credit, Governor Pope Hennessy warmly supported the plan in 1872 and envisaged an institution "where not only the sons of rich Africans could be educated, but where like in the early Irish Universities and some of the continental universities of our own times, even the poorest youths who had talents and a real taste for knowledge might by scholarships or fellowships have

an opportunity of cultivating learning."[3] The idea was lost in the Colonial Office for a few years and was revived when Fourah Bay was affiliated with the University of Durham in 1876.

Secular education at the highest level in West Africa remained wedded to the missions and theology. It was so, too, in the non-Christian quarter of Sierra Leone, where Pope Hennessy discovered a Muslim named Sanusi, educated in the Futa Jallon, who worked in quiet isolation at Freetown with London and Paris editions of Arabic scholars. "Though," Hennessy noted, "he had a more cultivated mind than I had observed in many of the young men trained in the Government School or Missionary Schools, he had received no European aid or Countenance whatever, except that which he derived from his own occasional correspondence with Trubner & Co. of London through whom he ordered his books."

The association of higher education with Western Christianity created a new division between north and south which probably goes deepest in Nigeria. It was not in this division that conflict lay for the moment in the nineteenth century. The location of mission schools (except the Niger Mission institutions) on or near the coast left the majority of their pupils to find employment either with the missions themselves, or more usually in local commerce and the lower grades of the administration as clerks and "writers." There is ample evidence to show that Africans made their way easily and successfully in these professions in the first half of the nineteenth century. William de Graft (a pupil of Philip Quaque) helped to etablish the Wesleyans on the Gold

3. Hennessy to Kimberley, 28 Dec. 1872, Colonial Office 267/317. Blyden's ideas were set out in a pamphlet, *The West African University* (Freetown, 1872), 17 pp.

Coast in 1835; numerous liberated Africans trained in Freetown schools set up as merchants and competed with Europeans in the Sierra Leone export trade; literate Africans rose to all grades of the Freetown and Gold Coast administration, including that of civil commandant and lieutenant-governor in the 1850's. Gradually, however, as the British West African administration expanded in the second half of the century and government departments were run by British officials recruited from other parts of the empire, it became increasingly difficult for Africans to find promotion above executive categories or to be employed in senior posts with authority over Europeans. This change came first in the West India Regiments, where no Africans were eligible for commissions after the 1840's. Medical departments followed next and discouraged or prohibited the appointment of African doctors in the early 1860's. African lawyers were forbidden to appear in customary courts from about 1865. The "scholar class," as they became known, fell into official disfavor. On the Gold Coast, moreover, they were blamed for the opposition of the Fanti to the judicial and political authority of the administration outside the forts. At Lagos stoppages of trade from Yorubaland were attributed to their influence at Abeokuta. Their role as intermediaries between traditional rulers and administrators was undeniable, and not merely as translators of communications passing between Akan and Yoruba chiefs and colonial secretaries. A Gold Coast missionary described an African catechist in the 1890's in these terms:

> My good friend was "passing rich on £20 a year." I suppose he was the only "scholar" in [Abassa], but he wielded a mighty influence upon all with whom he came into contact. He was the friend and counsellor of kings and chiefs, and was held in

highest esteem among all men in the villages for many miles around. To such as he, representatives of all ranks of society come to have their domestic, social, and political grievances adjusted.[4]

In other words, like missionaries elsewhere, he had become a kind of spiritual district officer; and this was the action of the educated African (or indeed of the European missionary) which administrators resented most.

Suspicion that authority might be challenged by the educated elite explains much of the conflict between the administration and the urban African from the 1880's till the 1950's. The Colonial Office was not free from this suspicion either, while never explicitly laying down rules which might be interpreted as discrimination against British subjects. The bulk of reports from West African governments, however, tended to confirm the view that petitions and assemblies were the work of irresponsible agitators (as they sometimes were) and native authorities would work in harmony and economy if the elite would confine their attention to writerships and petty trade and keep out of politics. District commissionerships were restricted to Europeans in 1897. African doctors were formally excluded from the West African Medical Service in 1902. Left open to Africans were a wide range of lower clerical posts. But in some ways this limited opportunity was worse than none at all. Lack of promotion bred greater bitterness. As one historian has noted:

The rigid demarcation between clerical and administrative posts was, of course, a tradition adopted from the British civil service, where it reflected existing class distinctions; but this did not make it easier to accept in the Gold Coast, where

4. D. Kemp, *Nine Years at the Gold Coast* (London, 1898), pp. 74-75.

it appeared as an application of racial discrimination, and thus became politically important.[5]

It should not be thought, however, that early manifestations of nationalist opposition on the coast were independent of the more traditional methods of opposition offered by local rulers to the judicial and political encroachment of European administration on their authority. The spearhead of nationalism, in its early forms, was certainly the literate group; but the haft of the spear was still made up of lineage and clan leadership of the kind that had already a long history of resistance to European penetration beyond the coastal markets. The two together were a fairly formidable combination among the Fanti in the 1860's and among the southern Yoruba from that period till the end of the century. An early example of this relationship between emergent elite and West African chiefs is provided by Lagos in 1863. King Docemo of Lagos, who had signed the treaty of cession in 1861, was pensioned off by the administration. But there is evidence that for a brief moment he was supported by Sierra Leone immigrant Africans in a bid to regain some of his former prerogatives, for which his pension was temporarily suspended. The Governor of Lagos in his report on Docemo gave his version of the underlying causes:

> This is not the first time that Docemo has caused trouble in the town. His advisers are that class of Sierra Leone people whose motto is "Africa for the Africans", who would rejoice to see their benefactors and supporters, the English, either swept from the Coast or subjected to the dominion of the blacks—and who are instrumental in fostering the hatred of the Egbas towards Lagos, and opposing the views of this Government on every occasion. It would not therefore be

5. Kimble, *Ghana*, p. 101.

deemed injustice to deprive the ex-king of his pension. If this were done however the story would reach Abbeokuta and the Interior (where the truth seems never to penetrate), that a disturbance had been got up at Lagos on purpose to stop Docemo's pension in order to save the Government a thousand a year. Besides this, Her Majesty's Government can afford to be generous instead of confining themselves to strict justice in a case like the present. And I therefore join with Commander Glover in hoping that Docemo's pension will be granted to him again by Her Majesty, as I think he has had a lesson he will not soon forget.[6]

This took place in 1863, long before the formation of political parties on the coast, and before the provision of an elected element in the Lagos Legislative Council. The second point to note is the alliance suggested between literate Africans in Lagos and the Egba Yoruba at Abeokuta. The reason for this is that many of the immigrants from Sierra Leone were, of course, Yoruba themselves who had been sold as slaves during wars with Dahomey and the Fulani. But an additional consideration is the common antipathy towards the Lagos administration which had taken the Yoruba by surprise in 1861 at its establishment and which was a source of alarm for economic reasons connected with the supply of arms to the interior. Other manifestations of this nascent spirit of resistance to aliens were frequent blockades of trade routes between the colony and other markets to the north, the expulsion of European missionaries from Abeokuta in 1867, and the refusal of the Yoruba to sign any sort of treaty, however innocuous, which might serve as an instrument for acquiring jurisdiction in Yoruba territory.

The incident concerning Docemo was part of a pattern which occurred elsewhere over the next hundred years

6. Freeman to Newcastle, 31 Dec. 1863, Colonial Office 147/4.

of British contact, whenever the administration set itself up as arbiter between the coast and the interior, between subject elite and subject native authorities. The pattern was not permanent: once the elite began to compete for political power, with the possibility of soliciting support from an electorate which for the most part formed the subject population of traditional authorities, divisions appeared in the alliance.

The basis of the problem of rule in a society undergoing intensive social change in a restricted urban community was to define the role, not of the elite, but of the majority of indigenous rulers. The elite, in a real sense, could look after itself and cope with the transformation of its own class into property-owning traders and clerks using European courts and European techniques for social advancement. Native authorities, on the other hand, faced not only a challenge from the administration which usurped part of their judicial and economic prerogatives, but also from a younger generation of Africans, even at a quite early period, who no longer respected the sanctions imposed by chiefs, or who could find protection from them by joining the clientage system of missions, trading firms, and government offices. The British answer to the problem of retaining chiefs was to demand co-operation in matters of local government—particularly the supply of labor—in return for respected status. This contract was implicit in many of the early treaties and was taken up and refined at the turn of the century in the doctrine of indirect rule. But for most of the century, within the coastal colonies and protected area, the policy could not guarantee the economic returns that formerly accompanied the ritual and secular duties of chiefs; and on the whole the steady derogation of traditional powers re-

sulted in a shaky compromise whereby the chiefs of Port Loko in Sierra Leone, the Fanti of the Gold Coast, and the Yoruba and Gun of the Lagos Protectorate were deposed, installed, occasionally paid stipends, and generally treated as expendable by many of the district commissioners.

The literate Africans made cause with these traditional authorities whenever it was in their interest to do so. The best known example, apart from the Lagos case already cited, is the support given to King Aggery of Cape Coast during his clash with the Gold Coast administration in 1865 over the powers of native courts. A second example was the revival of the Fanti Confederation between 1868 and 1872 with a written constitution and office-holders composed of literate Africans and chiefs. Aggery was deposed and exiled. The Fanti constitution was never recognized by the British as a basis for government within the protectorate. Above all, the implicit assumption that the British would leave the coast and that power would pass to an oligarchy of African traders, lawyers, and chiefs who would negotiate with Ashanti on their own behalf was never accepted by the Colonial Office or by Gold Coast governors and officials.

These early examples of nationalist co-operation, therefore, may be said to be a compound of two distinct elements: protests against specific grievances attributed to alien rule, which occasionally led to minor revolts such as King Docemo's and which inspired later risings by the Egba in 1918 or the Aba riots in 1929. They were usually dealt with by force and the deposition of the traditional rulers concerned. Secondly, there appeared quite early among the literate nationalists a representational claim

to speak for a wider ethnic community. Specific grievances over tax or land were generalized into principles which made reference sometimes to the government and history of the metropolitan power itself. Throughout the period of British rule, the first type of opposition was relatively easy to contain. The second, however, took forms of conduct and argument which were basically looked on as the birthrights of British subjects and were much more difficult to suppress, without questions being asked by the metropolitan government. It was a subtler challenge to quote from the Select Committee Report of 1865, which recommended that British posts in West Africa should be reduced, than to rise against the exchange of Gold Coast forts with the Dutch in 1868. Moreover, two important techniques were available to the literate Africans which were not easily countered: the use of a radical press, and representation of anticolonial views on a pancolonial basis, both of which provided material for appeals to the metropolis over the heads of West African governments.

The radical press flourished in West Africa amid a long series of libel actions, detentions, and suspensions. In British territories it arose from and gradually supplanted in interest the official gazettes established in Sierra Leone as early as 1801 and on the Gold Coast in 1822. Privately owned papers published by Africans and Europeans appear at Freetown in 1855 and again in 1861. Edward Blyden's important pamphlet on the *West African University*[7] was published in 1872 by the four proprietors of *The Negro*, two of whom were liberated slaves and subsequently members of the Sierra Leone legislature, while the two others were prominent African merchants. Lagos produced *The Anglo-African* from 1863,

7. See above, p. 37, n. 3.

but Bathurst had no English language newspaper till 1883. This and other disparities in the appearance of newspapers in British West Africa were offset, however, by the export of editions from one colonial capital to another and by the widespread circulation of American missionary papers, the *Liberian Herald*, and Ferdinand Fitzgerald's *African Times*, published monthly in London for the African Aid Society at first, and independently after 1866. The first African to produce a privately owned paper on the Gold Coast was James H. Brew, a prominent (but disbarred) solicitor who in 1874 started the *Gold Coast Times*—later owned by F. C. Grant, a West Indian who was also, like Brew, an office holder in the Fanti Constitution's Executive Council in 1872 and later a member of the Legislative Council. In all, by 1900, the Gold Coast had, either running or suspended, some nineteen newspapers, Sierra Leone thirty-four, and Lagos seven. Of these, only the *Sierra Leone Weekly News* survived from 1884 till 1951. But journalistic longevity is no guide to the influence exercised by these papers and their editors, or indeed their considerable value as source materials for the student of West Africa.

Their programs and news were as diverse as their origins. But in general their common elements were a record of demands on the part of the literate minority for equal opportunities in employment, and secondly, personal campaigns against specific administrators for their unpopular measures, leading to deputations and petitions by the lawyers, merchants, clerks, and petty traders who produced and read the papers. All of them were marked by the limitations imposed by the use of an alien language (the vernacular press had very little circulation outside the missions). But from about 1897 they took on increasingly the character of anti-imperial

broadsheets, rather than colonial gossip columns, reaching a new level of vituperation on the Gold Coast in the late 1930's, during the attack on the Seditious Offences Bill and the cocoa monopoly of European firms.

The unity between nationalists and the press of their own creation tended in some ways to cut off the literate element from traditional rulers, though the break was never very distinct before the 1940's. But the majority of names associated with some form of resistance to alien rule in the nineteenth century belong to the educated Africans working through newspapers in which Brew, J. E. Casely Hayford, J. Mensah Sarbah, the Bannermans and Browns of Accra and Cape Coast, J. W. de Graft Johnson, and others attacked the colonial government. From 1930 till about 1947 a second generation elite was led by J. B. Danquah, Wutu Ofei, K. M. Stewart, Wallace Johnson, G. P. Peters, and D. G. Tackie, who attacked each other as well as the British. Two observations on these Gold Coast writers would also apply to Nigerian journalists. After the First World War, with a few exceptions such as Nnamdi Azikiwe and Danquah, journalists and politicians belonged to separate groups devoted to different ends. Writers are no longer a guide to unofficial membership of the legislative council, as many of them were before the 1920's. Secondly, the factions into which the press itself fell and which continued into the early 1950's were partly a result of the constitutional reforms pressed for for so long. Much of the argument after the 1930's was not merely for equality of opportunity, but about who was to control municipal government and ultimately national government. Thirdly, in composition, news, and distribution the West African press had become much more Pan-African within the British territories.

This interterritorial aspect of the West African nationalist press stemmed in part from the limited market for the papers in each of the coastal capitals, and in part, too, from the formation of the National Congress of British West Africa by Casely Hayford in 1920. Compared with earlier political movements that had preceded it, such as the Gold Coast Aborigines Rights Protection Society, the Congress was outward looking and fostered the concept of West African nationality, rather than territorial nationhood. The ARPS on the other hand, which had been formed as a joint opposition of traditional rulers and elite to a crown lands bill in 1897, was strongly representative of the views of Fanti chiefs, and conservative in its attitudes to economic and social change. The Congress during its life captured a good deal of ARPS membership and put forward a program for expanded legislative councils with elected Africans for at least half the total membership, the separation of the judiciary from the legislature, control over the appointment and deposition of chiefs, elected municipal government, a West African university, the end of discrimination in the civil service, and the regulation of Syrian and other non-African immigration. These demands were rejected by the Secretary of State for Colonies, Lord Milner. But a small measure of reform followed in the 1920's when the constitutions of the British West African territories were changed so as to include a greater number of unofficial members in the legislative councils. The ARPS, henceforth, was of little account, and the Congress did not survive the death of Casely Hayford in 1930. New groups arose which were both encouraged by the new constitutions and inhibited by their limited terms.

II.

The rise of modern political parties in British West Africa was stimulated by political opportunities in the 1940's and 1950's. But their influence on the pace of subsequent constitutional change has varied in proportion to their co-operation with or penetration of traditional authority structures outside the urbanized coastal constituencies. The forerunners of the National Council of Nigeria and the Cameroons,[8] founded in 1944, and the Convention People's Party, founded in 1949, can hardly be said to have considered seriously the problem of mass representation through nation-wide committees and affiliations. The strength of legislative council unofficials in the 1930's rested with the provincial councils on the Gold Coast, while in Southern Nigeria the Legislative Council was Lagos-centered. To a great extent the Nigerian National Democratic party, founded by Herbert Macaulay and others in the 1920's, belied its nationalist aims by restricting the basis for its organization to the colony in order to dominate the Town Council from 1943 to 1953 and capture Lagos seats in the legislature five times between 1923 and 1948. Similarly, its successor—the Nigerian Youth Movement—with a strong Yoruba backing, fell under tribal leadership, though it made a notable contribution to the development of a party machine by expanding its branches and affiliating with professional and voluntary associations in Yorubaland. But once victorious in Lagos Town Council and Legislative Council elections in 1938, the middle-class leadership of the Youth Movement fell apart. It ceased to offer more than a political charter which contained among other aims the abolition

8. Now the National Council of Nigerian Citizens.

of indirect rule, central representation for both Northern and Southern provinces, and "complete autonomy within the British Empire" for the country as a whole.

The break-up of the Youth Movement in 1941 divided the more parochial of the educated Africans of Lagos from Nnamdi Azikiwe. His NCNC party, which arose three years later from the ashes of conflict, was much more widely based on two smaller parties, two trade unions, and literary and professional societies. Moreover, it was blessed with the backing of a wealthy newspaper, the *African Pilot*. Again, one of the stated aims at the party's constitutional convention in 1945 was to secure independence as a member of the British Commonwealth.

In the Gold Coast co-operation between indirectly elected chiefs and the elite lasted as long as participation in the legislature by either group was restricted to advice and consultation. The reform of Ashanti stool treasuries and the restoration of the judicial powers of chiefs in the 1930's, which preceded political union with the colony in 1946 and the representation of the Northern Territories in 1951, seemed to many nationalists to constitute the creation of a political counterweight to the coastal towns. The struggle between the leaders of the United Gold Coast Convention which had been thrown up by the constitutional reforms of the previous year need not concern us in detail here. But it should be noted that Nkrumah's capture of the Committee on Youth Organization, which was to win support among the younger elements for the UGCC, set him apart from the majority of the older party members as a professional politician and prepared the way for the rapid emergence of the Convention People's party. The aims of the new party went beyond anything seen in Southern Nigeria:

To serve as the vigorous conscious political vanguard for removing all forms of oppression and for the establishment of a democratic government.

To secure and maintain the complete unity of the chiefs and people of the Colony, Ashanti, Northern Territories and Trans-Volta.

To work in the interests of the Trade Union Movement in the country for better conditions of employment.

To work for a proper reconstruction of a better Gold Coast in which the people shall have the right to live and govern themselves as free people.

Finally, omitting any reference to the Commonwealth, the party program looked beyond Gold Coast independence "to assist and facilitate in any way possible the realization of a united and self-governing West Africa.[9]

For the moment it was the first and second points in the program which were uppermost in the minds of the electorate, when the party secured a vote of confidence in 1951. The fear of "regionalism" which haunted the younger Gold Coast nationalists was largely misplaced after the Coussey Report of 1948. Universal suffrage accompanied further constitutional reforms in 1954; and an all-African cabinet was appointed, after an election which gave the CPP seventy-one seats in the legislature, compared with opposition groups' thirty-three and over half of the votes from 58 per cent of registered electors. The issue of federalism, however, which was kept alive by the Ashanti-based National Liberation Movement, was greatly weakened by outbreaks of violence at Kumasi and by the unwillingness of NLM leaders to discusss the question during the preparation of the Bourne Report in 1955, which advised against federation but allowed for regional consultation by assemblies.[10] The final pre-

9. Quoted in J. G. Amamoo, *The New Ghana* (London, 1958), p. 36.
10. *Report of the Constitutional Adviser*, Accra, 1955.

independence elections of 1956 confirmed the CPP in power and the 1957 constitution conceded five regional assemblies, whose approval was necessary for constitutional changes, and regional houses of chiefs to hear appeals from traditional state councils.

In some ways the situation in Sierra Leone was the reverse of that on the Gold Coast. The colony was not large enough to provide most of the available political talent; and power from 1951 gravitated towards the Protectorate-based Sierra Leone People's party under (Sir) Milton Margai. By 1957 the SLPP had won twenty-six out of the thirty-nine seats open for direct election and was also supported by most of the twelve indirectly elected paramount chiefs in the legislature. The opposition, which consolidated around the People's National party after 1958, began to gain ground, and it was necessary to form a coalition at cabinet level in 1960.

In Nigeria the brief chance that the NCNC would be able to dominate elections in at least two regions was lost when the Western Region Action Group and the Northern People's Congress were formed in 1951. Bicameral legislatures were formed under the 1951 constitution for the Northern and Western Regions and a single House of Assembly for the Eastern Region with elected members chosen by electoral colleges. The Central Legislature contained 148 members—6 officials, 6 nominated to represent special interests, and 136 elected. Sixty-eight of this latter group were returned by representatives of two Houses of the Northern Legislature sitting together. Three members were returned by the Western House of Chiefs and 31 by the House of Assembly. Thirty-four were elected by the Eastern House of Assembly, also from its own members.

After the emergence of major parties in Nigeria and Ghana and the consolidation of political power in the hands of a coalition in Sierra Leone, the transfer of power at the level of the executive council and government ministries was not long delayed. This was probably the most difficult part of British West African independence. On the one hand, the legislative councils were not, in themselves, a particularly good training ground for responsible government taken on at short notice; on the other, greater powers over economic development and local government affairs had accumulated in the hands of colonial departments in the 1940's than many other Commonwealth states have acquired before or since. All this was suddenly handed over to an African executive, on a unitary basis in Sierra Leone and Ghana, and on a regional and federal basis in Nigeria.

The habit of opposition to colonial officials in the legislative council made it difficult to retain them for long in the executive. Party members in the legislature had confidence only in their own men, while at the other end of the scale, it was hard for a coalition ministry, as in Sierra Leone, or a federal ministry, as in Nigeria, to act in the assembly as though they were collectively responsible for the policy carried out in different departments. Lack of party discipline in Sierra Leone allowed individual members to attack party colleagues for failure of legislative measures. And in 1952 the Action Group leader, Premier Awolowo, in Nigeria's House of Representatives openly criticized a federal government which contained members of his own party. This placed Action Group ministers in the delicate position of defending measures agreed to in cabinet, without the possibility of resignation if their party was to have a voice in federal policy-

making at all. Both in the Eastern and Western Regions, the failure of parties to support ministers nearly made central government unworkable for a while in 1952; and in the Eastern House of Assembly an appropriation bill could be carried in 1953 only by using the lieutenant-governor's reserve powers, when Azikiwe prevented the legislature from functioning, after desertions from his party.

These points now appear as growing pains, rather than fundamental defects, in a newly established system of responsible government where there was less than a decade in the case of Nigeria, Ghana, and Sierra Leone for ministers to acquire administrative as well as political experience at the top. The position of a new minister in the Northern Region under the 1951 constitution has been well described by Alhaji Sir Ahmadu Bello, Sardauna of Sokoto and general president of the Northern People's Congress, who took charge of public works in 1952.

> We . . . found that, owing to a peculiarity in drafting, the Constitution [Order in Council, July 1951] did not say in so many words that we were completely responsible for the departments assigned to us (which is what we believed to be the case): we were only responsible for the "subjects." So the department (or departments) concerned went gaily on as though they had not heard of our existence. I am quite sure that so far as some individuals were concerned they were quite indifferent to our existence; even if they had heard of us they did not think we were worth the consideration and, indeed, it may well be that there are still some of these. Some thought that the whole thing would "blow over" if ignored; some thought, and some perhaps still do, that in some mysterious ways the Ministers are in the hands of their permanent staff and that British Administration would continue, though in a slightly revised shape.[11]

11. Alhaji Sir Ahmadu Bello, *My Life* (Cambridge, 1962), p. 87.

Habits of training and the jealousy of departmental experts for their trade secrets die hard. Yet this was one of the keys to the transfer of power: the implementation of legislation by a responsible minister. On the Gold Coast in the early 1950's the situation was eased by the appointment of secretaries to act as permanent officials under African ministers, instead of using British departmental heads in this rather ambiguous role. After 1955 all civil servants became members of the Gold Coast service, responsible to the prime minister through the Public Service Commission. But a very high proportion of expatriates stayed on after the date of independence and Africanization developed through the creation of new posts, rather than the displacement of Europeans.

Once the breach into civil service departments by responsible ministers had been made, however, the course of progress towards independence did not greatly differ in the three main British territories. British officials were excluded from executive councils in the Eastern and Western Regions in 1953, from the Gold Coast Council of Ministers in 1954, and from the Northern Region and Federal councils in 1957. In Sierra Leone British official ministers disappeared from the executive council in 1958, but departments were still unformed. There were, as yet, no permanent secretaries appointed, as in Nigeria and Ghana, and there was no executive Public Service Commission till one year before independence. By then the regions of Nigeria were internally self-governing; Ghana was independent; and the question was no longer whether political parties could take over the executive and legislative machinery of government, but whether they would tolerate any rivals.

At this point, by the end of the 1950's, the educated African elite had been differentiated not only by technical skills and income from the majority of former British West Africans, but also by control of the independent governments which they had helped to create. The transfer of power was much more than the erection of a constitutional model and its animation by talented politicians and civil servants: it represented a further stage in the correspondence between social and political hierarchy. The close relationship between party structure and social structure has been more closely studied in Nigeria than in Ghana or Sierra Leone.[12] But some of the general features of postindependence political phenomena in Nigeria may well be true of other West African territories.

These features may be summarized as follows. Central members of party executives are coextensive with the emergent professional, managerial, senior civil servant groups in Southern Nigeria, and with these and clerical grades of the Native Administration in the North. Together with the central executive bodies, the party power structure in each of the three regions also includes various unofficial ancillaries such as the Native Authority system, Houses of Chiefs, Loans Boards, Development Corporations, banks and cultural organizations. It follows, therefore, that with a few exceptions such as labor unions and the Bar Association, the Nigerian elite cannot avoid political connections in areas of professional life otherwise considered non-political. The party system, as one student has put it, is the "dominant system of power."[13] Moreover, West African parties may also be termed "parties of social integration," because of the way in which all aspects of

12. See Kimble, *Ghana*, pp. 125-166, 404-456; R. L. Sklar, *Nigerian Political Parties* (microfilm reprint; Ann Arbor, Michigan), 1962.
13. Sklar, p. 806.

daily life are influenced by them and by membership. Part of the explanation for the weakness and frustration of opposition groups in West Africa is the social appeal of a major party for those who might on other grounds oppose the party's program. It is true that in Nigeria, opposition parties existed from the 1950's in each region; but except perhaps for the West, their prospect of upsetting the major political parties was (and still is) slight. In some ways this opposition is less important than opposition at a federal level, where it is a creation of the constitution and of arrangements for representation in the House of Representatives.

In view of this weakness of the political opposition and the way in which it has been officially handled in Ghana, it is worth remembering that party power is not completely monolithic. Communal interest groups and kinsfolk keep a close check on the performance of politicians, as they do on most members of the elite. And in the Nigerian regions, as in Ghana, there are other important reasons why this should be so. The regionalization of marketing boards and other corporations after 1954 helped to maintain the commercial patronage of the parties in power. By the independence constitution of 1960 and the earlier regional constitutions, the regional governments still have non-enumerated powers which include control of local government and of the appointment and functions of chiefs; and so far from withering away, as many of the early nationalists hoped, the chiefs in the Northern and Western Regions of Nigeria at least are still a force to be reckoned with, holding a strong bargaining position during regional elections. The same observation is true of Sierra Leone and the Gambia, and still true so far as social position goes for chiefs in Ghana. In short,

while the transfer of power threw up immensely elaborate and comprehensive party machines in the Nigerian regions and in Ghana in the 1950's, the parties had still to work through electorates where the foremost administrative problem was the democratization of local government[14]—a problem which the British left unfinished and which had an important bearing on the consolidation of political power from the center.

III.

In the Gold Coast the powers of chiefs were quite drastically reduced by the local government reforms of 1951, which provided for new district and local councils with an elected majority of two-thirds. In the colony and Ashanti, part of the revenues for the councils came from stool lands; elsewhere revenues were provided by rates, fees, and central government grants. But the effect was the same: chiefs remained in ceremonial positions on many of the councils, while real power passed to the elected chairmen, the five regional officers appointed by the new Ministry of Local Government, and the lesser government agents who replaced the old district officers. After the political struggle which resulted between the CPP and the NLM, the old Joint Provincial Council of Chiefs was abolished and the Regional Assemblies voted themselves out of existence, but the regional Houses of Chiefs have been retained. Their function, according to the 1960 constitution, is to consider matters of customary

14. For the background till 1957, see L. Gray Cowan, *Local Government in West Africa* (New York, 1958); Ursula K. Hicks, *Development from Below: Local Government and Finance in Developing Countries of the Commonwealth* (Oxford, 1961); and for a case study, Martin Kilson, "Grass-Roots Politics in Africa: Local Government in Sierra Leone," *Political Studies*, XXI (1964), pp. 47-66.

law and to advise. Since then, the Government has made a considerable effort to accommodate the chiefs on a social level, while maintaining strict separation of their ceremonial duties from any participation in para-political institutions. Government powers to investigate Ashanti palace funds and management of stool lands and the deposition and arrest of Nana Ofori Atta II, paramount chief of Akim Abuakwa (uncle of J. B. Danquah), one of the most powerful traditional rulers in Ghana, set an example which was not lost on others. The possibility of resistance from traditional authorities is now much less than before independence.

In Nigeria, local government reforms were just as thorough in the southern regions after 1951, but the treatment of traditional authorities has been less drastic. Both the Western Region and the Eastern Region adopted the three-tier system of representative councils, only to find that in the East county councils had to be abolished in 1958 and the district council areas reconstituted. The superior units of the local government hierarchy were too large and their composition too heterogeneous; district councils refused to pay precepted taxes. The Western Region also abandoned the three-tier system, retaining district or divisional councils, according to population. The hierarchy of three, however, was indigenous to much of the Northern Region, where the emirate, district administration, and local or village administration combination was unreformed till 1952. Thereafter, when sole Native Authorities were abolished, a system of advisory councils was introduced. Elected members appeared on Native Authority Councils in 1954 until about 127 of these councils contained elected representatives. At inferior levels of district and local councils, traditional representa-

tion is small or non-existent. The majority of Native Authority units, however, retained the chief-in-council who had a right to reject a majority decision, but was obliged to explain his reasons to the Minister for Local Government. Financially, the district councils remained dependent on the Native Authority.

While in the North the trend has been towards circumscribing the powers of chiefs and making them subordinate to the arbitration of the regional government, the Western regional government made a conscious effort to retain about one-third of the membership of councils for traditional authority. In the East, where the authority of chiefs was never very extensive, a different process took place when it was noticed by politicians that traditional rulers elsewhere could be used to win electoral support in return for status. A new House of Chiefs was created and a place was made for chiefs in local government.

Since 1958, after a period of license for new councils in the East, the regional government has imposed a number of restrictions on their powers and brought them under the supervision of local government commissioners who were the counterpart of inspectors already employed in the West. In the Northern Region the management of Native Authority finance is so closely regulated by the regional government that the dangers of wild spending or refusing to pay taxes are remote.

In general, then, the trend in Nigeria has been towards the retention of traditional authorities at the lower levels of administration and closer supervision by ministries over units which are often too small to pay for the services they are asked to undertake. As examples of representative government, they have been accepted by Nigerians,

all the more perhaps because local government is a field for partisan politics which excludes political rivals from committee membership. So far as chiefs are concerned, this political conflict has made them useful both to regional and local governments, from the Houses of Chiefs down to the district, divisional, and local council level.

From the points raised by this brief survey of nationalism and independence in British West Africa, one might conclude that the new governments have inherited not only the economic backwardness of their former colonial territories, but also the basic administrative problem of how to incorporate ritual and secular authorities into the framework of modern states. Colonial policy was so preoccupied with the preservation of these authorities (in British territories at least) during the fifty years of rule after partition, that the possible impact of mass parties on local government was never explored. The discussion was about representation, not about power. One, therefore, may agree with Martin Wight, who wrote in 1947 that "African political systems . . . often embody the representative principle; chiefs are elective and responsible magistrates, and government is by discussion." But it is harder now to go further and agree with him that

> African institutions have . . . become the local units of an ascending political series that merges with the imported institutions of Crown Colony government. In this setting, advance in the direction of Western parliamentarism is a natural evolution and not a violent break, and it is here that it has been easiest to develop tribal and regional groupings into territorial constituencies.[15]

It seems now that this point of view back in 1947 assumed that democratization of local government would leave

15. Martin Wight, *British Colonial Constitutions 1947* (Oxford, 1952), p. 27.

traditional "representation" intact and free from the political party development which was the one aspect of parliamentarism that soon overshadowed all others in West Africa. Furthermore, in using tribal groupings as the basis of territorial constituencies, the risk was not merely that there would be conflict between traditionalists and a mass party, but that opposition, too, would be a coalition of minor ethnic groups, unable to offer an alternative government, and threatened with penalties in the form of retarded economic and social development by a majority. Such, at least, has been the feeling of groups in the Middle Belt and part of the Mid-West in Nigeria, and in the Northern Territories in Ghana.

In some ways the prior existence of a colonial oligarchy in West African territories with whose agents chiefs co-operated was good practice for the period after the transfer of power. For a while, it is true, this co-operation divided elite nationalists from traditional authorities over the question of elective representation, and the division was carried over into party politics in Ghana, to be resolved after a short struggle in which the chiefs were demoted from their former executive position to a ceremonial status. In Nigeria, on the other hand, the paramount position of the Native Administration in the North and cultural affiliation of traditional rulers with the major political party in the West made the old conflict between Lagos elite and the interior meaningless, once regional representation and autonomous regional governments were constructed after 1946.

Even in the Eastern Region traditional authorities were found by politicians to have their uses and given a second chamber in a bicameral legislature. In Sierra Leone and the Gambia, the picture is not so clear, though the

fact that seats were still reserved for paramounts in the national legislature of Sierra Leone as late as 1958, instead of being filled in an upper house, suggests that for some time to come traditional rulers may find their way into politics directly from the electorate. In the Gambia only five of the thirty-five chiefs in the former protectorate are literate, which precludes them from political activities at Bathurst. But they have been singularly successful up till 1961 in keeping women out of elections, in keeping seats reserved for the nominees of the chiefs' annual conference, and in seeing that other protectorate seats in the legislature are filled by candidates who have undertaken not to legislate chiefs' sources of revenue out of existence.

In all, then, the traditional rulers have not by any means been the losers during the transfer of power. But the fact that they are still in a position to influence politics and local government so fundamentally—outside of Ghana—is an indication of the late start made in democratizing local government in British territories, the tenacity of the hierarchies set up under indirect rule, and the ease with which institutions imported from the West, such as parliamentary government and mass parties, have been used to absorb traditional authorities in a system of patronage which is well understood and much older than the independence constitutions.

· 3 ·

Current Perspectives

It is a truism of Commonwealth convention that members do not interfere in the domestic affairs of other member states. Indeed, they do not discuss them, unless invited to do so—a formality which seems to have been observed even at the Prime Ministers' Meeting in March, 1961, when South Africa withdrew an application for continued membership. It is possible that such a contentious issue as *apartheid* will not again require joint examination. But feeling over racial issues is so strong on the part of new Commonwealth states that future differences of opinion could easily arise on the two occasions which involve consensus of agreement about a candidate's credentials. These occasions are, of course, when a new nation joins the Commonwealth, or when a member changes from a monarchical to a republican constitution. The full independence of Southern Rhodesia under a white minority government together with an application for Commonwealth membership could well precipitate a Commonwealth crisis; and, again, a discussion of domestic affairs could hardly be avoided.

The formal limitations on domestic interference by no means imply that there is a lack of interest in the internal policies of Commonwealth members. Both before and after independence, West African members have had their full share of publicity in the United Kingdom press.

Part of this coverage, one feels, springs not merely from friendly interest in Commonwealth government, but also from a certain incredulity about the prospects of Western-type or "Westminster" models in an African setting. This attitude is discernible even in the commentaries of well-qualified political scientists for whom the "African was on trial" with the independence of Ghana in 1957.[1] There was further cause for misgivings in the subsequent story of deportations and of the imprisonment of opposition members and in the recent Western Region crisis and treason trials in Nigeria. Reporting on these events is usually heavily loaded with adverse comment on an "un-British" way of life.

Fundamentally the doubts about West African independence in the 1950's and early 1960's arise from a misconception about the nature of the meeting of cultures. Independence is looked on as "superimposing a twentieth century form of government on an essentially tribal society."[2] If the dichotomy were as rigid as this, there would, indeed, be cause for alarm. But it can be argued, I think, that the form of government had already been greatly modified to suit West African conditions by the emergence of strong single parties; and secondly, that the corporations and leadership of traditional society can be used by the modern party machine for the perpetuation of strong government. What is in evidence is a synthesis of Western techniques, some Western values, together with a wide variety of oligarchical and representative structures drawn from indigenous political organization.

1. James L. Godfrey, "The Emergence of Ghana," in N. Mansergh and others, *Commonwealth Perspectives* (Durham, N. C., 1958), p. 142.
2. Peter Abrahams, "The Conflict of Culture in Africa," *International Affairs*, XXX (July, 1954), 304-312; and for a similar appraisal of the situation of Sierra Leone, J. D. Hargreaves, "Western Democracy and African Society," *International Affairs*, XXXI (July, 1955), 327-344.

The difference, in the position of the new elite after independence, is the scale of power at their command, not the fact that it is used in ways that seem incompatible with the objects of responsible government as we know it. Brought up under a colonial autocracy, the new leaders are asked not to behave like autocrats. At the same time, the last years of alien rule left them with a central apparatus made up of expanding departments concerned with economic development and social welfare. The elite were left, too, with the expectations of change and fulfilment, the promise of jobs and prosperity. It is not surprising if they have attempted to supply the latter to the new mass electorate, by politicization of government and administration at all levels.

I.

It has been obvious to Western commentators that this has gone further in Ghana than elsewhere in former British territories in West Africa. Moreover, the power of the single party has a certain doctrinal justification lacking elsewhere, except perhaps in some former French territories. A semiofficial explanation of the position of the Convention People's party reads as follows:

The administration of villages falls on the shoulders of C.P.P. members appointed from the Party. The government wants to make sure that laws passed by the government will be observed by the citizens and also to give them the opportunity to take part in the Government. President Nkrumah has declared, "The real responsibility for the administration of a village . . . will comprise the Party representatives of the village. The Party and Government will then be able to rest content that State administration goes down right to the town and village levels and makes the ordinary worker, farmer and

peasant a participant in the government of the country".... One cannot draw a line in Ghana between the Party and the State. The Party is the State and the State is the Party.[3]

One must beware of taking such statements by younger party members too literally: they represent a direction of intention, rather than a description of local government as it works in Ghana. Nevertheless, President Nkrumah's own writings leave no doubt as to the administrative functions of local party committees, and justify central direction by the pressing need for industrialization, agricultural reform, and expansion of social services.

The major political event in Ghana, then, since independence in 1957, has been the complete withdrawal of an official opposition. The new constitution of the Republic of Ghana in 1960 made little formal change, except to abolish the office of governor-general and institute an elective presidency. More important was the vote in the National Assembly for one-party rule in September, 1962. The release of imprisoned opposition members under the amnesty declared five months earlier looked more like the act of clemency which it was than any concession towards the formation of an active political opposition with a voice in the Assembly. Opposition of this kind has since been forced to hold its meetings in London, where a former leader of the Ghana Trades Union Congress set up the People's Democratic party in August, 1962, and where Ghana students proposed to create a government-in-exile. Moves of this kind are not very likely to influence the position of the CPP in Ghana itself. As an Akan proverb has it: "The ant that is most likely to bite you is the one inside your toga." Effective opposition

3. Gabriel K. Osei, *The Spirit and Structure of Nkrumah's Convention People's Party* (London, 1962), pp. 10-11.

has come from leading members of the party, and the most significant use which Nkrumah has made of the Preventive Detention Act has been to jail his Foreign Minister, Ako Adjei; his Minister of Information and Broadcasting, Tawia Adamafio; and the head of the party secretariat, H. H. Cofie-Crabbe, who have only recently come to trial after nearly a year's imprisonment. Whether or not these members were implicated in the series of bomb outrages against the president was not proven at the time of writing, but their fall represented a decrease in more doctrinaire and extremist attitudes of the party press and a vindication of the political astuteness of Nkrumah himself. Whatever criticism may be leveled on the grounds of parliamentary practice, Ghana has a stable government for as long as the question of presidential replacement does not arise.

By the Ghana constitution of 1960, parliament consists of the president and the Assembly, which is sovereign, except for a presidential veto. Taxation laws cannot be changed, however, by the president or the cabinet. Elections for the Assembly are held every five years and the procedure for the nomination and election of a new president ensures that there is no possibility of a candidate's coming to office without commanding a majority of supporters in the Assembly. In the event of resignation, death or incapacity, a presidential commission would be appointed by the cabinet—if possible, on the nomination of the president. This triumvirate would almost certainly become the focus of a vigorous struggle for power before a successor assumed office or was nominated as sole party representative for general election by the country. The test of the one-party state in West Africa will be its ability

to ensure the smooth transfer of power from one generation to the next.

By contrast with other constitutions of new states, there is no Bill of Rights in the Ghana constitution, only a declaration of fundamental principles by the president when taking office. It is doubtful whether any of these could be pleaded before a court of law. Chieftaincy, on the other hand, which was a center of dispute during the period immediately before independence, is assured a place in the fabric of government. Provision is made for eight regional houses of chiefs as part of bicameral regional legislatures, though these have only consultative powers in local affairs.

A second exception to the pattern of new constitutions is clause 51 (2), by which the "people" confer on parliament the power to provide for the surrender of the whole or any part of the sovereignty of Ghana "in the confident expectation of an early surrender of sovereignty to a union of African states or territories." Conversely, no reference to the Commonwealth is made, though the draft proposals of 7 March 1960 made it clear that the prime minister (as Dr. Nkrumah was then) would attend the London conference in May to inform other Commonwealth heads of government that the new republic wished to remain a member state.

A third point which ought perhaps to be noted about Ghana's new constitution, since it also plays a part in Nigeria's decision to become a republic, is the great emphasis laid on its originality and its break with earlier legislation of the imperial parliament.[4] It can be argued, of course, that this break is not as complete as Ghanians

4. See Kenneth Robinson, "Constitutional Autochtony in Ghana," *Journal of Commonwealth Political Studies*, I (1961), 41-55.

would like, as the constitution was made in accordance with the provisions of a Constituent Assembly and Plebiscite Act passed by the Ghana parliament while still meeting according to the terms of the 1957 Constitution Order in Council. Nevertheless, the feeling that the new framework of government is "home-grown" is of great importance in West Africa, as it was in India and Pakistan; and there is by this time a good case for adopting a republican constitution immediately, if so desired, after independence, and not by way of a "dominions" model as in the past. On the other hand, it is hard to think of many smaller dependencies that would be willing to do this, and the Gambia is not likely to be the scene of wild republicanism as it achieves self-government. Perhaps it would be better for the Gambia's future if the constitution-makers were less monarchical in this respect. For one of the reasons for adopting a republican constitution in Ghana was undoubtedly the statement of the Draft of 1960 that it would provide "firm, stable and popular Government in Ghana so that Ghana can assist in achieving a union of African states and territories." The attitude of the leaders of former French territories towards a Commonwealth member where the Queen is still Head of State through her representative, the governor-general, is not entirely free from the suspicion that this in some way detracts from the member's sovereignty. In present African conditions the slightest suspicion that independence is not unalloyed cannot be tolerated; and if republicanism is necessary for international as well as national self-respect, the leaders of the Gambia and Sierra Leone should perhaps consider their own cases carefully.

The centralism which has been the main feature of Ghana's political development since independence can

also be discerned in the more complex federal constitution of Nigeria. On the whole, the most striking aspect of the growth of responsible government in the largest and most densely populated of the West African territories has been until quite recently its relative stability. Since 1951 three political parties have dominated politics in each of the three regions: there was reason perhaps to think of Nigeria as "three Ghanas" linked by a federal control of defense, economic planning, and foreign policy. Now the position has altered considerably, because of the slow but sure accumulation of economic powers at the center, and because of the recent crisis in the Western Region and the fate of the Action Group both as a regional party and a federal opposition.

For some time it has been clear that the federal government has been collecting and handing to the regions more of their annual revenues than was originally expected to come from federal resources. Export duties which are entirely paid over to the regions have decreased relative to import duties, over two-thirds of which remain with the federal government. This accumulation of economic controls is now considerably augmented by the terms of the Nigerian National Plan, 1962-1968, under which the federal government will have the major responsibility for raising about £300 million abroad and will spend on its own behalf or through agencies just over £400 million for economic development in all sectors—including agriculture and primary and secondary education, which are regional responsibilities. In short, the central government will become the largest creditor in Nigeria, with indirect control over commercial banks through the Central Bank and over the Produce Marketing Boards which buy Nigeria's cash-crops. The National

Plan, then, if it is fully implemented and if all the overseas loans can be attracted, will become as important as the 1960 constitution in shaping the balance of power between the regions and the center in ways which cannot easily be challenged by normal parliamentary procedures.

The second factor which has proved the strength of the federal government since independence is the Western Region crisis. The main events may be reviewed briefly.[5] The crisis arose from a split within the Action Group party between the regional premier, S. L. Akintola, who favored a policy of political consolidation and economic retrenchment in the West, and the leader of the party and of the federal opposition, Chief Obafemi Awolowo, who tried to carry the Action Group into federal government, and failed. The party attempted to remove Akintola from office for his disobedience, but he refused to resign and appealed to the Speaker of the Western Region House of Assembly for a special meeting to test the confidence of the House in him as premier. This request was not allowed, and on 21 May 1962, the regional governor, the Oni of Ife, Sir Adesoji Aderemi, relieved Akintola of office under section 33 (10) of the Constitution of Western Nigeria, without waiting for a vote in the House. Some members of the Western House of Assembly nominated another premier, A. D. S. Adegbenro who was sworn in on May 22. After a riot in the House on the twenty-fifth, the federal parliament was summoned, and on the twenty-ninth the House of Representatives approved a resolution declaring a state of public emergency for six months, under section 65 of the federal constitution.

5. For a detailed analysis of the main events, see John P. Mackintosh, "Politics in Nigeria: the Action Group Crisis of 1962," *Political Studies,* XI (1962), 126-155.

During this period the Western Region was placed under an administrator who ran the civil service under regulations issued by the governor-general in council, according to the Emergency Powers Act of April, 1961. In short, the federal government took over the Western Region, appointed its own rulers, and placed many of the Action Group leaders under house arrest—all within the powers allowed by the Constitution and by legislation of the Nigerian federal parliament.

Two subsequent developments deeply influenced Nigerian relations with the United Kingdom, as well as the Nigerian political scene. On the day he was dismissed from office ex-Premier Akintola began an action to challenge the governor's right to take such a step, without a prior vote of confidence from the Western House of Assembly. The Ibadan High Court referred two questions for judgment to the Nigerian Supreme Court concerning the validity of the governor's action based on an opinion formed from evidence collected outside the House—a petition signed by a majority of Action Group members of the House. The Supreme Court, by three opinions to one, on 7 July 1962 found that the governor could not make such a dismissal. After this finding, the Ibadan High Court gave its judgment that the removal of Akintola was invalid and he resumed the office of premier at the end of the emergency in January, 1963. Alhaji Adegbenro, whom the Action Group had nominated in his stead, therefore appealed to the Judicial Committee of Privy Council against Akintola. After finding that such an appeal could be made, the Committee decided in May, 1963, that on its reading of the relevant section 33(10) of the Constitution of Western Nigeria, the governor had validly dismissed Akintola—thus reversing the judgments

of the Ibadan High Court and the Nigerian Supreme Court (and considerably upsetting the federal government, members of which for personal and political reasons favored Akintola). The immediate reaction in Nigeria to the finding of Privy Council was to amend the Constitution of the Western Region retrospectively to 2 October 1960, with the effect that a governor might remove a premier from office only as a consequence of a majority decision by the regional House of Assembly. Secondly, the Privy Council ruling was formally rejected by a motion in the House of Assembly of the Western Region, where there was an NCNC-United People's party majority, reaffirming confidence in Premier Akintola.

As a strict interpretation of the powers of the regional governor under the Constitution, the ruling of the Judicial Committee of Privy Council has much to be said in its favor, providing one allows (as was argued by Mr. Dingle Foot, Q.C.) that part of the purpose of the Nigerian Constitution was to put into force constitutional conventions obtaining in the United Kingdom.[6] Their lordships who favored this point of view went further to point out that the governor, of course, as representative of the constitutional sovereign, was above political influence in his judgment of what was a political struggle for control of the Western Region executive. The evidence furnished by members of the Assembly to demonstrate lack of confidence in Akintola was a political petition, however; and Sir Adesoji Aderemi, as well as being the Oni of Ife—a senior Yoruba chief—was a founding member of the Action Group, in whose favor the decision was made to appoint a new premier and dismiss one who went against the party. Furthermore, the Speaker of the House of As-

6. The *Times*, 24, 25 April; 28 May 1963.

sembly who refused Akintola's request for a special meeting (and then called the House together anyway when the premier was dismissed) was also an Action Group supporter. In other words, their lordships' judgment assumed that a set of conventions—namely, the impartiality of the head of the region and the Speaker of the House—already formed a background for the operation of the Constitution. Possibly in both cases, and certainly in one, these assumptions were false.

Secondly, and more important perhaps for the rule of law in Nigeria, ex-Premier Adegbenro challenged the Emergency Powers Act and Regulations by bringing a suit against the federal government in the Supreme Court. The Court declined to deal with this. In another case concerning two motions filed by Chief Rotomi Williams and Adegbenro, seeking authority to restrain the Western Region Administrator, the Federal Chief Justice ruled that no pronouncement could be made on the validity of the Emergency Powers Act, because it was not for the Federal Court to decide whether parliament could legislate for the restriction of individuals' movements. Having missed their opportunity to debate the act in more detail when it was passed with surprisingly little comment back in April, 1961, the members of the Opposition and the Action Group found that the courts were no defense against its application to themselves.

Finally, it may be doubted how far such an "emergency" was necessary at all. The charge of collusion between the Federal Prime Minister and Akintola in order to destroy the Action Group has been forcefully made by at least one observer close to the scene.[7] And the fact that no elections were held at the end of the emergency in the Western Region to form a new government tends

7. Mackintosh, pp. 151-153.

to strengthen the view that the mistakes of Action Group leaders were skilfuly exploited to weaken the federal opposition and perhaps, eventually, to leave the way open for Akintola's United People's party and the NCNC to form a coalition in the Western Region. Whatever the outcome—and the campaign is not at an end yet—the Action Group will have been dealt a severe blow politically, and the examination of its finances and the trial of its leaders for treason might well finish it for good.

Above all, the crisis brought into focus the powers that have accrued to the central government. The most permanent feature of Nigerian politics is not now the strength of three parties in their own regions, but the long life of the NPC-NCNC coalition which prevented the federation from disintegrating. The party machine and interparty diplomacy have created conventions of their own which are not constitutional conventions. The most obvious of these is the unwillingness of the NPC to accept a minority position in the House of Assembly or less than half of the federal constituencies in the Northern Region. The possibilities of a proto-Action Group and NCNC coalition or a redistribution of constituencies to the disadvantage of the North after a new census are remote. As Sir Ahmadu Bello has somewhat wryly commented:

> This would, of course, be utterly disastrous. It might set back our programme of development ruinously: it would therefore force us to take measures to meet the need. What such measures would have to be is outside my reckoning at the moment, but God would provide a way. You can therefore see that the political future must rest on an agreeable give and take between the parties. So long as all respect the common purpose, all would be well.[8]

8. Bello, *My Life*, p. 229.

In short, NPC leaders in federal government would be ousted from their share of power with the NCNC only with great trouble, at a time when economic development through the National Plan promises great schemes for Northern Nigeria and a chance to make up educational and agricultural backwardness.

The political tendencies, then, at the federal level seem to be not towards regional fragmentation, as was once feared, but towards stronger federal government and the demise of effective opposition at a federal as well as a regional level. The federal coalition will then have to decide, under a republican constitution, whether the political allegiance of the president is to be of any significance for the working of the executive. This will probably be the hardest question to decide in practice that Nigeria has had to face.

Compared with the interest aroused by events in Ghana and Nigeria, the Gambia and Sierra Leone have not thrown up much that is constitutionally new. It is too early to say whether Gambia, which attained internal self-government in October, will survive as an independent state, and its present situation is better discussed in the Pan-African context. It is useful to note, however, that the Sierra Leone House of Representatives with a majority of SLPP members found it necessary to approve emergency measures in April, 1961, on the eve of independence; and the Gambia suffered its first general strike the same year, when the head of the Gambia Workers' Union, M. E. Jallow, was arrested. These incidents do not compare with the scale of detentions and government by regulation elsewhere, but they are an indication that the economic hardship which both of the new states will have to undergo is most likely to precipitate political crises and

harden the vague lines between the middle-class elite and the poorer tax-payers on whom the financial burden of independence will fall.

The most noticeable reaction of the United Kingdom, as the leading Commonwealth member, to the politics of the new African commonwealth has been a revision of the norms of independence. In 1956, the then Lord Home, when Commonwealth Secretary, laid down three main criteria which had to be met before independence could be considered: (1) the establishment of political institutions and administrative machinery capable of ensuring both the personal and political liberties subscribed to Commonwealth members in general, and also efficiency in using these institutions and machinery, (2) development of the economy of the territory sufficient for it to be viable and stable, (3) the creation of forces adequate to ensure external defense and internal security.

In addition to these aims, membership of the Commonwealth was understood to entail a democratic constitution and specific guarantees of individual liberties. On this basis, neither the Gambia nor Sierra Leone could really meet items (2) and (3); and there is some doubt whether Ghana would now qualify on (1). In 1960 Sir John Macpherson, former governor of Nigeria, suggested other criteria by which to decide readiness for the transfer of power (and by implication, membership of the Commonwealth): (1) a national government "acceptable to the people" which can maintain law and order, (2) a common loyalty and ability to live as one nation, (3) economic self-reliance with a reasonable standard of living and an expanding economy. Gambia would still fall short on (3), though this does not deter the present Conservative Government from sending the new state on its way

with little financial aid. The "common loyalty" is not easy to discern in the case of Nigeria.

In fact, it is difficult to resist the opinion that the British Government is well satisfied if the new state can provide a government, police, and courts. Elections on more than a qualified franchise may even be postponed—as in the case of Sierra Leone—until independence has been achieved. So far as Commonwealth membership is concerned, the main criterion is independence and willingness to apply. It is unlikely that there would be any great resistance to Gambia's application, if it is made, although Ghana has expressed some complacent doubts about the size of applicants. A reservation would certainly be made, if Gambia's independence were terminated by union with another state. But on the point of internal politics, no investigation is made, or suggested at a prime ministers' meeting, unless the applicant in question, like the Union of South Africa, openly practices a racial discrimination which flagrantly runs counter to the kind of equality most of the African and Asian states have recently achieved.

Why, upon this achievement of self-government, the West Africans still wish to remain in the Commonwealth requires an examination of their foreign policy rather than internal politics, though the answer, I believe, in part lies also with the tradition of non-interference in domestic affairs which appeals to those whose domestic affairs have been partly run for a century by other people.

III.

From a historical point of view, the West African members of the Commonwealth have achieved all at once

the status of equality with the former metropolitan power—a status which was the subject of long discussion between Great Britain and the older members of the association. In a sense much about the terms of association which was by no means self-evident half a century ago has been taken for granted. Had it been otherwise, one may well doubt whether Ghana, Nigeria, and Sierra Leone would have followed the example of India and sought membership at all.

The new states thus participate immediately in the two principal functions of the Commonwealth—special representation and consultation. The first function involves the use of high commissioners; the second implies an obligation to reciprocate in sharing information on matters of concern to other members. The whole system claims a special treatment of Commonwealth countries, compared with diplomatic relations with other states. The need for high commissioners at all is a result of historical circumstance, following the redefinition of the position of the governor-general at the Imperial Conference of 1926. The Dominions had already provided officers of their own with this title in London and the United Kingdom began to reciprocate. The appointment of high commissioners by the United Kingdom Government, beginning with Canada in 1928, continued unbroken till the present time and the West African Commonwealth has followed the example, but not necessarily with all other members. They may be represented only by a trade commissioner, or not at all, as was the case in South Africa. As from 1948, the status of high commissioner differed in no way from that of ambassador. Normally, in London their business is conducted through the Secretary of State for Commonwealth Relations; and unlike foreign

embassies, the high commission staffs have access as of right to various departments of the British Government. Moreover, it is usual for meetings of high commissioners with United Kingdom ministers to be held under the auspices of the same secretary of state. The centralization of this business through the Commonwealth Relations Office (instead of through the Foreign Office) goes back to the separation of the department from the Colonial Office in 1925. Recently, however, there has been a strong recommendation to reverse this tradition by uniting the Colonial Office with the CRO to facilitate technical assistance. This would not change the bulk of CRO work, which is to co-ordinate information for the high commissioners and the external affairs departments of member states on matters of Commonwealth citizenship, migration, pensions, taxation, personal status and professional exchanges. But the only step taken in this direction has been to appoint a joint secretary of state in the person of Mr. Duncan Sandys, and even this mild merger was looked on unfavorably by Ghana and some other Commonwealth members, who objected to any contact with the Colonial Office.

Why then have a Commonwealth Relations Office at all, when so much of the information coming from Commonwealth countries, particularly in West Africa, is properly the concern of the Foreign Office? After the last war both cabinet and civil service consultation and exchange of information between Commonwealth members increased enormously in scale and detail as government departments grew, new nations became members, and technical services multiplied. The task of the CRO since 1948 has been to avoid the swamping of Commonwealth relations by those of foreign relations in general (which

also proliferated). But this distinction between CRO and Foreign Office business has not been very easy to make—indeed, only the United Kingdom really maintains such a distinction. The solution that was found was to put the two offices concerned with Commonwealth work

> literally side by side on an open corridor on the unmarked frontier between the F.O. and the CRO. They quickly established an active co-operation on their joint task of ensuring that out of the mass of material coming into the Foreign Office all was passed on to the Commonwealth Governments that was necessary to keep them informed on all aspects of Foreign affairs.[9]

This elaboration of the means of communication at departmental levels has altered the pattern of Commonwealth "summit" conferences in several important respects. Between 1918 and 1937 there were eight imperial conferences, of which two only were prime ministers' meetings, and a good part of the proceedings in 1921 and 1935 was taken up with the discussion of the status of member states. From 1944 till 1957, nine prime ministers' meetings replaced the old imperial conferences. During that phase, the habit of publishing proceedings was dropped, even for finance ministers' and foreign ministers' meetings which took place in 1949, 1950, and 1954. Significantly, there was no prime ministers' conference between 1957 and 1960; and at the meeting of 1961 the Afro-Asian members made their presence felt as never before. For all these later meetings, the CRO has acted as a secretariat and the excellent communications system developed since the war has ensured that the minute preparation which must preface meetings by heads of government has enabled the secret sessions to take place

9. P. C. Gordon Walker, "Commonwealth Secretary," *Journal of Commonwealth Political Studies*, I (1961), 17-28.

with a minimum of formality and concentrate on exchanges of views, rather than the assimilation of new information. No meeting has been held since 1961—in contrast with the number of formal meetings of heads of government in Africa which have been attended by Commonwealth representatives.

It is time to consider, then, the place of Commonwealth "foreign policy" in the foreign policy of the West African members as a whole. What is there for West Africans in the machinery of consultation to lead them to attach special importance to Commonwealth membership? Or has the time now passed when the unique appeal of the Commonwealth, compared with other forms of association, can fairly be allowed to count for very much?

Whatever the present position of Ghana, Nigeria, or Sierra Leone in West Africa, it is clear that immediately before independence membership of the Commonwealth was sufficiently attractive to these states for them to make application without hesitation. The precedent of Asian membership probably influenced this decision (as did the earlier Asian example of representative and responsible institutions of government). Secondly, the practical assistance available to a new state with limited resources for establishing missions abroad was quickly appreciated. A nation such as Ghana which aspired to a position of leadership in Africa could not afford to neglect a worldwide network of diplomatic contacts which made information available in London on request, to say nothing of the availability of a foreign service which provided facilities and training for her own officers. The stamp of acceptance as a member state was undoubtedly attractive, too, for leaders who had argued and threatened in the cause of independence and who belonged to an educated

elite with a long history of sensitivity to unequal treatment. In this respect, the mild resistance offered by the South African Government to Ghana's admission to Commonwealth association made the status of member all the more desirable, particularly as this could not be determined by the United Kingdom alone. Acceptance by the other members at the Prime Ministers' Meeting, June-July, 1957, implied to some extent a rejection of the reasons for South Africa's hesitation.

It was soon clear, however, that Ghana's attitude to the Commonwealth and foreign policy in general derived from the tensions of her immediate colonial past, rather than the century-old connection with the United Kingdom. The mainsprings of the West African Commonwealth's conduct of external affairs are, to a greater or lesser degree, anticolonialism and a rejection of the consequences of partition. Foreign policy, therefore, is both an extension of past domestic struggles into the context of African decolonization and a recognition of the African historical community on a continental scale. Thus, the foreign policy of Ghana or Nigeria is partly negative in content—a denial of European rule whether from the metropolis of a European power or by a white minority government; partly, too, it is caught in the nationalist dilemma of wishing to circumvent the artificial boundaries—cultural, political, and economic—which are the legacy of alien rule, without throwing away the nationhood that has grown up within those boundaries. The more strongly these two aims are pursued, the greater the sense of frustration that is bound to result. For the pursuit of all-African government throughout the continent implies the use of force, and no African independent state is strong enough to speak from a position of strength.

Secondly, Pan-African co-operation even at a technical and economic level demands a high degree of self-sacrifice on the part of some of the richer of the relatively underdeveloped territories, without corresponding political advantage in a continent where claims to pre-eminence are quickly resented.

Of the four West African Commonwealth states, Ghana's theoretical adherence to the ideal of Pan-Africanism has been stated with most precision, while Gambia's geographical and economic position make her the most likely candidate for a practical example of union with another territory. Sierra Leone and Nigeria stand somewhere in between in the role of "gradualists" who wish to see greater economic co-operation before plunging into schemes for common political institutions.

The Ghanian constitution of 1960 by a special clause left open the way for federation with other West African states, as advocated in numerous statements by President Nkrumah. The independence of Guinea after the referendum of 28 September 1959 provided an occasion for the joint proclamation of Union of Ghana and Guinea, along with the promise of a loan of £10 million to the impoverished former French colony. It was a dramatic gesture. In May, 1959, the two leaders, Nkrumah and Sékou Touré, followed up with an even more ambitious proposal for a union of independent African states, in a mixture of federal and confederal propositions, but with separate diplomatic representation, double citizenship, common defense policy, and economic co-ordination. In retrospect the Ghana-Guinea Union now seems little more than an alliance, arranged as a counter demonstration to the decision of other former French West African colonies to remain within the French Community in 1959. Sékou

Touré's promise to join the Mali Federation the same year can also be interpreted in this way. Correspondingly, there was no question of Ghana's withdrawal from the Commonwealth, as any sacrifice of independent status by political union with another African state could be held to imply. Whatever the initial reason, very little has come of the proposal for union, and one is led to conclude that Ghana may have found it more difficult to explain away continued Commonwealth membership to African allies than Pan-Africanism to her friends in the Commonwealth. In his testament of African unity (*Africa Must Unite*) published last year there is a significant passage in which Nkrumah defends Ghana's position in this respect:

> States emerging from the tutelage of other colonial powers have not always understood Ghana's attachment to the Commonwealth and the sterling area. That is because the loose, *ad hoc* nature is not correctly comprehended by those who have been or are members of a more formal association. It is difficult for those not accustomed to a *free* connection with Europe to appreciate that the Commonwealth is an association of sovereign states. . . .[10]

Apart from a misinterpretation of the present relations between former French West African territories and France, this statement is primarily a defense of Ghana's continued Commonwealth association and a sign that President Nkrumah is at pains to justify the nature of this association. It must by this time be clear to Nkrumah that federal union with a former French territory would probably be incompatible with Commonwealth membership and would probably not command support, even from Sierra Leone or Nigeria. No practical measures have

10. Kwame Nkrumah, *Africa Must Unite* (London, 1963), pp. 185, 186-187.

been announced to make good the original promise, and the plea by Ghana for a common parliament with Mali, after that country's break with Senegal in 1960, must be seen, too, as a slight to Senegal rather than a practical effort to implement Pan-Africanism.

Compared with Ghana, the Gambia has a much more pressing need for economic and possibly political accommodation with a former French territory. Twice before, in the nineteenth century, the Gambia was close to incorporation within French West Africa as a rational solution to isolation, freakish boundaries, and ethnic partition of the Mandinka and Wolof. The necessary diplomatic agreement was postponed and finally rejected in the 1870's after protests from British commercial firms with interests at Bathurst, and because of fears on the part of creole British subjects. The petitions of the latter group in 1874 opposed transfer to the French

> because they are averse to French rule, because as loyal subjects of the Queen, they are attached to British institutions, because they love political and religious liberty, and because by their industry they have acquired property in these settlements, which the projected transfer will materially affect.... Should it be necessary, your petitioners are ready and willing to submit to extra taxation rather than be given to a foreign power.[11]

This petition, which stands as early evidence of the Anglo-French cultural division of the coast, even before final partition of the interior, would certainly find signatories today, though, like their nineteenth-century predecessors they would be confined to the old colony area. On the other hand, the revival of sympathy for the idea of union

11. J. D. Richards, "Correspondence Respecting the Proposed Exchange with France," in G. B., *Parliamentary Papers*, 1876, *Accounts and Papers*, Vol. LII (C. 1409), p. 178.

with Senegal in 1959, after the foundation of Mali, came from the Gambia itself, not from Paris or London. The United party, composed largely of Wolof supporters, quickly made it a political issue, and Mr. P. S. N'Jie, who became the Gambia's Chief Minister in 1961, explored practical ways of unification through his personal connections with the leaders of the *Union Progressiste Sénégalaise*, after Senegal became fully independent. A permanent committee at ministerial level was set up to look into common problems facing the two countries, arising mainly from customs tariffs and communications. But with the political decline of the United party and the emergence of David Jawara, the question of union became something of an opposition party plank and is not favored by the People's Progressive party rank and file.[12] The ministerial committee has not been disbanded, and the whole investigation has been handed over to a United Nations committee for a report. It is not likely that a political party, in power at the end of 1963, will cede internal sovereignty very easily, unless the precarious economic situation of the new state demands the radical solution of submerging its trade pattern and fiscal policy in order to survive at all. On the whole the Gambians have very little to bargain with and Senegal has no great desire to take on a financial burden which the British Government has refused to support. Nor are the Senegalese anxious to face a charge of chauvinism from their neighbors, as the first state to alter the nineteenth-century boundaries by ending the independence of another state. At the least "Senegambia" will have to be a closely integrated customs union. The attitude of the West African Commonwealth

12. Claude E. Welch, Jr., "Prospects for Senegambia," *Africa Report*, Jan., 1963, pp. 21-23.

to this test case will be interesting to watch if the issue of membership of the Gambia reaches Commonwealth prime ministers' conference level.

Nigeria's leaders were more restrained in their statements about foreign policy on the eve of independence than was the case in Ghana. During the campaign for the federal elections in 1959 Dr. Azikiwe's program contained little that was original so far as Nigeria's external relations were concerned:[13] the NCNC merely promised armed forces, an intelligence service, membership in the United Nations and the Commonwealth, non-alignment with any special "axis of geopolitics" and good-neighbor relations with African states. Early in the campaign the Action Group poured scorn on Nkrumah's idea of a United States of Africa and came out strong in favor of adherence to the Western bloc. Towards the end of 1959, however, that party opposed talk of a defense pact with Great Britain, as a weapon to beat the NCNC-NPC coalition with, and swung more positively towards a policy of non-alignment. The NPC, on the other hand, ruled out the idea of neutrality, stressing connections with the Commonwealth and disapproving of West African unions. Since then statements by the NPC or by Sir Abubakar Tafawa Balewa tend to be taken as pronouncements on federal foreign policy, though in fact more revealing phrases have come from Nigeria's Foreign Minister, Jaja Wachuku.[14] So far as relations with other African states

13. For the place of foreign policy in these elections, see K. W. J. Post, *The Nigerian Federal Election of 1959* (Oxford, 1963), pp. 308, 310-311, 314.

14. For Sir Abubakar's views, see *Foreign Affairs*, XLI (1962), 131-150; and Jaja Wachuku, "Nigeria's Foreign Policy," in *Africa: The Political Pattern* (Toronto, 1961), pp. 62-73. For a general survey, see too, L. Gray Cowan, "Nigerian Foreign Policy," in *The Nigerian Political Scene*, ed. Robert O. Tilman and Taylor Cole (Durham, N. C., 1962), pp. 115-143.

are concerned, the Government is anchored to the official policy announced by Sir Abubakar to the House of Representatives in August, 1960:

> Very particular attention will be devoted to adopting clear and practicable policies as regards Africa. It will be our aim to assist any African country to find a solution to its problems and to foster the growth of a common understanding among all the nations, and especially among the new nations of this continent. We are determined to encourage the development of common ties between all states. The difficulties which will confront us in promoting the friendly association of independent countries in Africa are fully appreciated, but we believe that they can be overcome if a start is made by emphasizing and building upon the cultural and economic links which already exist.
>
> This will be followed up by a policy of securing an agreed plan for the improvement of interterritorial communications and transport facilities, and by the pooling of resources for higher education and scientific research. Although it would be premature at this stage to think in terms of a Common Market for Africa, we are intending to work towards the expansion of trade and travel, and to secure an agreed plan for the improvement of interterritorial communications and the like.[15]

This makes tame, if careful, reading beside President Nkrumah's doctrines of Pan-Africanism. Possibly it is a more realistic appreciation of the task facing Nigeria, and a statement calculated not to offend neighbors. Mr. Wachuku's acceptance of this program stresses the retention of present territorial boundaries, the exclusion of Cold War policies, and the encouragement of international aid. But even this cautious statesman has adopted the habit of summing up groups of African states in terms such as "African State Community" and "Union of African States,"

15. Quoted in Wachuku, p. 63.

as though these were words with a political connotation in the African context, which they are not. Nowhere has any Nigerian yet produced a careful analysis of the kind of problems mentioned vaguely in Sir Abubakar's statement. The Nigerian Department of External Affairs is one of the few government agencies which produces no annual review of policy or reports on its activities and postings.

Judged by actions, however, Nigeria's share of the Congo operation, her attitude to French atomic tests, and her acceptance of an Israeli loan and technical assistance (in the face of criticism from the NPC) place her among the moderate progressives of African affairs, anxious to head a cause against real or imagined dangers to her own interests, and willing to sink prejudice for the sake of financial aid.

None of the Commonwealth West African members is contiguous to another, a fact which has influenced their outlook towards each other in ways which distinguish them from their former French neighbors. Once in his early career as a journalist Dr. Azikiwe in 1936 wrote an article about an imaginary federation among the British territories of West Africa which he called 'Gamsierrgolderia.'[16] Too much significance should not be attached to this kind of example. But it is worth noting that Azikiwe's imaginary federation of the year 2936 (to which Europe, Asia, and America were subordinate) had as political institutions a cabinet and an assembly of life members. It included no French area of West Africa. Compared with their neighbors, the former British territories have had no experience of interterritorial co-opera-

16. The *African Morning Post*, 29 Sept. 1936, cited in V. C. Ikeotuonye, *Zik of New Africa* (London, 1961), Appendix 9.

tion, the running of common services, or, indeed, the organization of interterritorial political parties. For various reasons, it is true, the former French territories helped to break up the old federation of French West Africa, but their habits of communication and their knowledge of each other's affairs are much closer than in the case of the West African Commonwealth. It is with these neighbors that Commonwealth African leaders have to come to terms and establish ties which will be much closer than those existing between themselves at the present time. Mali has not been able to afford a continuous rupture with Senegal. Nigeria cannot afford bad relations with Dahomey, Volta, Niger, Chad, or the Cameroon Republic. Already the cultural cleavage between the two educated elites—French and British—has to some extent been overcome since 1961; but new poles of attraction both in Europe and Africa have produced a political and economic division which has tended to isolate the more progressive partisans of Pan-African union and left the majority groping for a common policy.

Much of the present difficulty standing in the way of co-operation stems from the special relationship of the former French territories with France, which was widely misunderstood in British West Africa (just as the Commonwealth relationship was taken to imply more than it means, when looked at by French West African leaders). The situation has not been helped, of course, at the level of higher education, where students are exposed to history courses which find little place for their neighbors' recent history and no place until now for modern languages.

The French Community was changed into a contractual association by a French constitutional law of 4 June 1960 and reorganized by a series of Co-operation Agree-

ments over the following year. The four states of the *Conseil de l'Entente*—all that remained of the technical and communications network created by the old federation—comprised Ivory Coast, Dahomey, Volta, and Niger. These, together with Mauretania, remained outside the Community, but maintained co-operative agreements with France on aid, defense, monetary controls, education, justice, postal and telecommunications, shipping and technical personnel. The central organs of the Community fell into disuse or were formally ended by July, 1961. Centralism and the symbolism of the Presidential Head, which were the Community's main features, disappeared.

The long experience of French West African leaders in association through common institutions, however, made it comparatively easy for most of them to take the initiative in reintegrating some of their state services at departmental and ministerial levels. The Union of African and Malagasy States, founded at Brazzaville in 1960, when Cameroon and Madagascar joined with ten West African and Equatorial territories, represents the hard ex-French core of the two French African federations of colonial days.[17] This core has now expanded with the addition of Nigeria, Liberia, Togo, Sierra Leone, Ethiopia, Somalia, Libya, and Tunisia, at the Monrovia Conference in 1961. In the same year a counterbalance of states emerged at Casablanca when the Ghana-Guinea-Mali "Union" of African states formed loose ties with Morocco, the United Arab Republic, and the Provisional Algerian Government. From the point of view of economic and technical co-operation, the Union of African and Malagasy States (UAMS)[18] has had a much more useful existence

17. For a survey of current Pan-African associations, see Vernon McKay, *Africa in World Politics* (New York, 1963), pp. 109-133.

18. Now contracted to an Economic Commission, the UAMCE.

than its wider partnership. The total Monrovia group tends to follow the example of the UAMS core, though these with the advantage of a common language of communication have moved much further towards common institutions. The UAMS has its own annual conferences and permanent secretariat in Dahomey, a Defence Union with a General Staff (but no common army), an Organisation for Economic Co-operation centered at Yaounde, and a Postal and Telecommunications Union. The three English-speaking states of the Monrovia group—Liberia, Nigeria, and Sierra Leone—are participating in this system at a much slower pace. A small number of unilateral agreements and the Lagos Conference of 1962 prepared the way for an assembly, a secretariat, and a council of ministers, as the basis for an African common market, health organization, and communications network. But the practical achievements so far remain almost entirely within the UAMS.

+ + +

The conclusions of this survey make no claim to finality or prophecy. To the historian, the institutions of representative and responsible government have offered a useful mechanism for the promotion of West African independence and the Commonwealth a satisfactory introduction to the world community in the years immediately following independence. Neither of these two contributions of British overseas experience are the only methods for helping emergent nations on their way. The experience of France has provided others; and while the eventual fate of Community or Commonwealth members now tends to be the same (and is certainly different from French plans in 1958), the expectations of respective

African states as to what they can hope for in the way of help in the post-independence period differ a good deal. In some ways Ghana's promotion of the Pan-African ideal is a substitute for the isolation in which the British West African has been left; conversely, the coolness of the Ivory Coast, Senegal, and other former French territories to Nkrumah's plans reflects a certain satisfaction at the solutions they and France have already worked out.

In short, the West African Commonwealth is caught between the attractiveness of an association which assures equal status but which offers little institutional machinery to help with problems of financial aid or technical shortages, and the prospect of participating in multilateral agreements with states which enjoy political as well as economic ties with Europe. The dilemma was well brought out at the unofficial Commonwealth conference at Lagos early in 1962 and summed up by one observer in the following terms:

> While most Commonwealth members continue to believe that they can proceed some way along the road of regional integration without damaging their Commonwealth ties, the question surely remains whether groupings which exist to do things in common are not bound, eventually, to acquire priority over an association which has no such purpose.[19]

This issue of regionalism in West Africa versus Commonwealth membership is not, of course, the only one which arouses concern. For the West Africans, the prospect of Great Britain's joining the European Economic Community inspired the prediction that in such circumstances the "Commonwealth would evaporate," a thought

19. Kenneth Younger, "Reflections on Africa and the Commonwealth," *The World Today*, XVIII (1962), 121-129; and C. E. Carrington, *The Commonwealth in Africa* (Royal Institute of International Affairs; Oxford, 1962).

that suggests to a New Zealander that West African appreciation of the association is much the same as that of the Australasian primary producer: the basis of Commonwealth membership is economic advantage. West Africans reveal, too, in their discussions the same kind of double standard as citizens of the southern hemisphere are apt to apply to the United Kingdom and themselves. Somehow African regionalism does not detract from the Commonwealth to the same extent as European regionalism: the expectations of United Kingdom political conduct in this respect are much higher than for other members. The same is true of the issue of immigration into the United Kingdom, where restrictions and controls are frowned on by members who themselves exercise the strictest methods of selection, prohibition, and deportation.

This feeling that the conduct of the Leading Member of the Commonwealth should be exemplary under all circumstances—in matters of aid, in the pattern of United Nations voting, and in tolerance of political aberrations on the part of other members—is perhaps the most powerful remaining sentiment shared by former colonies of the British Empire. Great Britain should be saved from her friends and obliged to contribute, act as a guaranteed market, and generally lead the Commonwealth where the Commonwealth wishes to go.

On the other hand, Africans, like Asians and other members are rightly skeptical about the use of the term "consultation" to cover one of the primary functions of the Commonwealth. Too often, they feel, this merely means exchange of information, not an exchange of views. The example of Suez is sometimes quoted. One might also quote the example of Ghana-Guinea Union, about which

Commonwealth members were not consulted. When, therefore, President Nkrumah chides Mr. Macmillan (as he did at the end of 1962) for sending aid to India during the Sino-Indian conflict, on the grounds that the Commonwealth has no common defense policy, it is questionable how far the principle of consultation is carried into practice. It would seem that President Nkrumah is wrong to identify an action by the United Kingdom as a Commonwealth gesture; and equally, that there is no exchange of views before an action of this kind when a Commonwealth member is attacked, merely an indication of intention.

For these reasons, then, one is forced to conclude that the most important links between the West African Commonwealth and other countries lie in West Africa itself with former French territories, and in the Commonwealth with the United Kingdom, and to some extent with Canada. Increasingly, political issues such as the fate of white minorities in East and South Africa will tend to divide African Commonwealth opinion from the United Kingdom. There is no mechanism for formal debate or regular consultation to bridge this division, just as such means of aid as exist through the Commonwealth African Assistance Plan or through the corporate efforts of Commonwealth universities and other bodies are inadequate to meet West African needs. Of the peripheral links between the West African Commonwealth and other members, probably those with Canada are the most extensive and most fruitful in ideas and exchanges of personnel and students. The need for a West African "Colombo Plan" has been mooted from time to time, not the least by Canadians. This would be valuable, and like its model would have to include non-Commonwealth members in

recognition of the interterritorial nature of West Africa's problems. Above all it would be a means of increasing educational contacts which the new generation of West African students may not find within the Commonwealth, as more postgraduate research is done in Africa itself, at a time when United Kingdom universities are strained to the limit. Without these contacts which the generation of pre-independence leaders had with local administrators, missionaries, and with overseas universities, the Commonwealth in West Africa will not even last as the mere cultural association which it is tending to become.

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